

# **3 September 2025**

# **Development Assessment Panel**

## **Business Paper**

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**2:00 PM Wednesday**

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**Port Macquarie-Hastings Council**  
**17 Burrawan Street, Port Macquarie**  
**Function Room**

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# DEVELOPMENT ASSESSMENT PANEL SUB COMMITTEE CHARTER

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Adopted: Ordinary Council 2022 09 15

## 1.0 OBJECTIVES

To assist in managing Council's development assessment function by providing independent, transparent and expert determinations of development applications that fall outside of staff delegations.

## 2.0 KEY FUNCTIONS

- To review development application reports and conditions. The focus of the Panel's review is to be on those issues raised in submissions received following exhibition of development applications;
- To determine development applications where there are 3 or more unique submissions or where an application is outside of staff delegations;
- To refer development applications to Council for determination where necessary;
- To provide a forum for objectors and applicants to make submissions on applications before the Development Assessment Panel(DAP);
- To maintain transparency in the determination of development applications.

### Delegated Authority of Panel

Pursuant to Section 377 of the Local Government Act, 1993 delegation to:

- Determine (approve or refuse) development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
- Vary, modify or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy (Biodiversity and Conservation) 2021 associated with development applications being considered by the Panel.

Noting the trigger to escalate decision making to Council as highlighted in section 5.2.

## 3.0 MEMBERSHIP

### 3.1 Voting Members

- 3 independent external members will be selected for each scheduled DAP meeting from an appointed pool of members. One of the independent external members to be the Chairperson. Independent members will be rostered onto meeting on a rotational basis where possible.
- Group Manager Development Services (alternate - Director Community, Planning and Environment or Development Assessment Planning Coordinator).

The independent external members shall have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, government and public administration.

### **3.2 Non-Voting Members**

Not applicable.

### **3.3 Obligations of members**

- Members must act faithfully and diligently and in accordance with this Charter.
- Members must comply with Council's Code of Conduct.
- Except as required to properly perform their duties, DAP members must not disclose any confidential information (as advised by Council) obtained in connection with the DAP functions.
- Members will have read and be familiar with the documents and information provided by Council prior to attending a DAP meeting.
- Members must act in accordance with Council's Workplace Health and Safety Policies and Procedures
- External members of the Panel are not authorised to speak to the media on behalf of Council. Council officers that are members of the Committee are bound by the existing operational delegations in relation to speaking to media.

### **3.4 Member Tenure**

The independent external members will be appointed for the term of 4 years or until such time as an expression of interest process to source panel members is completed for the proceeding 4 year term.

### **3.5 Appointment of members**

- A pool of independent external members (including the Chair) shall be appointed by the Chief Executive Officer following an external Expression of Interest process. Previous Panel members are eligible to be reappointed on the Panel following this expression of interest process.
- Independent members will be rostered on to Panel meetings on a rotational basis where possible to suit Panel member availability and Panel operational needs.
- Staff members on the Panel shall be appointed by the Chief Executive Officer.

## **4.0 TIMETABLE OF MEETINGS**

- The Development Assessment Panel will generally meet on the 1st and 3rd Wednesday each month at 2.00pm at the Port Macquarie offices of Council. Meetings may be conducted on-line or a combination of in person and on-line.
- Special Meetings of the Panel may be convened by the Director Community, Planning and Environment Services with 3 days notice.

## **5.0 MEETING PRACTICES**

### **5.1 Meeting Format**

- At all Meetings of the Panel the Chairperson shall occupy the Chair and preside. The Chair will be responsible for keeping order at meetings.
- Meetings shall be open to the public.

- The Panel will hear from an applicant and objectors or their representatives. Speakers are required to register to speak by close of business on the day prior to the Panel meeting.
- The Panel shall have the discretion to ask the applicant and objectors questions relating to the proposal and their submission. There is no 'right of reply' for an objector or applicant.
- Where there are a large number of persons making submissions with common interests, the Panel shall have the discretion to hear a representative of those persons rather than multiple persons with the same interest.
- Council assessment staff will be available at Panel meetings to provide technical assessment advice and assistance to the Panel.
- Where considered necessary, the Panel will conduct site inspections prior to the meeting.

## **5.2 Decision Making**

- Decisions are to be made by consensus. Where consensus is not possible on any item, that item is to be referred to Council for a decision.
- All development applications involving a proposed variation to a development standard greater than 10% under Clause 4.6 of the Local Environmental Plan will be considered by the Panel and recommendation made to the Council for a decision.

## **5.3 Quorum**

3 members must be present at a meeting to form a quorum.

## **5.4 Chairperson and Deputy Chairperson Independent**

Chair (alternate - independent member).

## **5.5 Secretariat**

- The Director Community, Planning and Environment is to be responsible for ensuring that the Panel has adequate secretariat support. The secretariat will ensure that the business paper and supporting papers are circulated at least 3 days prior to each meeting. Minutes shall be appropriately approved and circulated to each member within 3 weeks of a meeting being held.
- The format of and the preparation and publishing of the Business Paper and Minutes shall be similar to the format for Ordinary Council Meetings.

## **5.6 Recording of decisions**

Minutes will be limited to the recording of decisions of the DAP and how each member votes for each item before the Panel. Meetings may be recorded via an on-line platform where practical.

## **6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS**

Not applicable.

## **7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST**

- Members of the Panel must comply with Council's Code of Conduct. It is the personal



responsibility of members to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

- Panel members must declare any conflict of interest at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest are to be appropriately minuted. Where members are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from deliberations on the issue where the conflict of interest may exist. A Panel meeting may be postponed where there is no quorum.

## **8.0 LOBBYING**

All members and applicants are to adhere to Council's Lobbying policy. Outside of scheduled Development Assessment Panel meetings, applicants, their representatives, Councillors, Council staff and the general public are not to lobby Panel members via meetings, telephone conversations, correspondence and the like. Adequate opportunity will be provided at Panel inspections or meetings for applicants, their representatives and the general public to make verbal submissions in relation to Business Paper items.

## **9.0 CONDUCT AT MEETINGS**

All parties in attendance at a DAP meeting shall conduct themselves respectfully i.e. not disrupt the conduct of the meeting, interject, act courteously and with compassion and empathy and sensitivity and will not insult, denigrate or make defamatory or personal reflections on or impute improper motives to the DAP, Council staff or other members of the public.

# Attendance Register

Member	04/06/25	18/06/25	16/07/25	6/08/25	20/08/25
David Crofts (Independent Chair)	A	✓	✓	✓	A
Tony McNamara (Independent Member)	✓		✓		✓
Chris Gee (Independent Member)	✓	✓	✓	✓	
Murray Blackburn-Smith (Independent Member)	✓	✓		✓	✓
Dan Croft (Group Manager Development Services)	✓	A	✓	✓	✓
<b>Other attendees</b>					
Melissa Watkins (Director Community, Planning and Environment)					
Grant Burge (Development Engineering Coordinator)	✓	✓	✓		✓
Kerrod Franklin (Acting Development Engineering Coordinator)					
Patrick Galbraith-Robertson (Development Planning Coordinator)	✓	✓	✓		
Steven Ford (Development Assessment Planner)					
Chris Gardiner (Development Assessment Planner)	✓			✓	
Vanessa Penfold (Development Assessment Planner)					
Clinton Tink (Development Assessment Planner)					
Jon Power (Act Development Engineer Coordinator)					
Beau Spry (Development Assessment Planner)					
Ben Roberts (Development Assessment Planner)		✓			✓
Kate Kennedy (Building Surveyor)					
Warren Wisemantel (Building Surveyor)					
Bob Slater (Development Assessment Planner)					
Alton Dick (Stormwater Engineer)					
Fiona Tierney (Development Assessment Planner)	✓				
Nicholas Powers (Development Assessment Planner)					

**Key:** ✓ = Present, A = Absent With Apology X = Absent Without Apology

## Meeting Dates for 2025

5 February	Function Room	2.00pm
19 February	Function Room	2.00pm
5 March	Function Room	2.00pm
19 March	Function Room	2.00pm
2 April	Function Room	2.00pm
16 April	Function Room	2.00pm
7 May	Function Room	2.00pm
21 May	Function Room	2.00pm
4 June	Function Room	2.00pm
18 June	Function Room	2.00pm
2 July	Function Room	2.00pm
16 July	Function Room	2.00pm
6 August	Function Room	2.00pm
20 August	Function Room	2.00pm
3 September	Function Room	2.00pm
17 September	Function Room	2.00pm
1 October	Function Room	2.00pm
15 October	Function Room	2.00pm
5 November	Function Room	2.00pm
19 November	Function Room	2.00pm
10 December	Function Room	2.00pm

## Agenda

### Items of Business

Item	Subject	Page
01	Acknowledgement of Country.....	<u>9</u>
02	Apologies .....	<u>9</u>
03	Confirmation of Minutes .....	<u>9</u>
04	Disclosures of Interest.....	<u>9</u>
05	DA2022 - 305.3 Residential Subdivision - Modification at Lot 66 DP 130693, Capital Drive Thrumster .....	<u>20</u>
06	DA2025 - 45.1 Ancillary Structures Associated with Club at Lot 1 DP 854932, No. 1 Woodford Road, North Haven .....	<u>54</u>
07	General Business	

## Agenda

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**Item:** 01

**Subject:** Acknowledgement of Country

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### Recommendation

"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

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**Item:** 02

**Subject:** Apologies

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### Recommendation

That the apologies received be accepted.

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**Item:** 03

**Subject:** Confirmation of Minutes

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### Recommendation

That the Minutes of the Development Assessment Panel Meeting held on 20 August 2025 be confirmed.

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**Item:** 04

**Subject:** Disclosure of Interest

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### Recommendation

That Disclosures of Interest be presented.

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# Minutes

## August 2025

### Development Assessment Panel

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#### **Members:**

Tony McNamara (Independent Member)  
Murray Blackburn-Smith (Independent Member)  
Dan Croft (Group Manager Development Services)

#### **Other Attendees:**

Ben Roberts (Senior Development Assessment Planner)  
Grant Burge (Development Engineering Manager)  
Councillor Lauren Edwards  
Councillor Rachel Sheppard  
Councillor Hamish Tubman

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**The meeting opened at 2.00pm.**

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## 01 ACKNOWLEDGEMENT OF COUNTRY

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The Acknowledgement of Country was delivered.

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## 02 APOLOGIES

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That the apology received from David Crofts be accepted

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## 03 CONFIRMATION OF MINUTES

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### Consensus:

**That the Minutes of the Development Assessment Panel Meeting held on 6 August 2025 be confirmed.**

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## 04 DISCLOSURES OF INTEREST

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Tony McNamara declared a Non-Pecuniary - Less than Significant interest in Item 05 DA2024 - 409.1 - Section 4.55 Modification to Da1994 - 518 for previously approved Quarry at Lot 154 DP 754405, LOT 21 DP 1295883, LOT 132 DP 654554, LOT 2 DP 114360 NO. 241 Diamond Head Road, Dunbogan. The reason being is that he was

1. Director of Planning and Environment at Hastings Council 1985 to 1997
2. Worked for ERM Mitchell McCotter 1997 to 2004.

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## 05 DA2024 - 409.1 - SECTION 4.55 MODIFICATION TO DA1994 - 518 FOR PREVIOUSLY APPROVED QUARRY AT LOT 154 DP 754405, LOT 21 DP 1295883, LOT 132 DP 654554, LOT 2 DP 114360 NO. 241 DIAMOND HEAD ROAD, DUNBOGAN

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### Speakers

Opposing the Application:

Les Mitchell

Margaret Carey

Peter Johnson

Kerry McFadyen

David Moore

Jennifer Moore

Stephen Adams

Peter McKid

Patrina McKid

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Lisa Intemann

Applicants:

Kathy Dosen (applicant)

Nick Warren (applicant)

David Cilento (applicant)

### **Consensus:**

**That the section 4.55 modification to DA1994 - 518 for a proposed modification to an existing and approved quarry at Lot 154, DP 754405, Lot 21 DP 1295883, Lot 132 DP 654554, Lot 2 DP 114360 No.241 Diamond Head Road, Dunbogan, be determined by granting consent subject to the recommended consent condition changes, with the following amendments:**

**Amend condition 15a to read:**

**The Applicant must prepare and submit to Port Macquarie-Hastings Council an Annual Environmental Report for the Quarry Site for each calendar year for the development. The Annual Environmental Report must be submitted no later than 1 March each year, commencing March 2026, until the completion of rehabilitation operations and closure of the Quarry Site.**

**The Annual Environmental Report must include for each reporting period at a minimum:**

- i. A summary of operations undertaken during the reporting period, including any construction, extraction, revegetation, rehabilitation, or key property maintenance activities.**
- ii. A statement of compliance for all relevant approvals and licenses which are required for the Quarry.**
- iii. A summary of total material sales.**
- iv. A summary of all environmental monitoring data and/or reports.**
- v. A summary of all stakeholder consultations that occurred, including the outcomes of any consultation as relevant.**
- vi. A summary of any complaints received by the Quarry or any Agency relating to the Quarry.**
- vii. A summary of the status of all revegetation and/or rehabilitation activities that are required for the Quarry Site. It shall include details of how successful plantings have occurred. These details shall include certification from an accredited bush regenerator with Australian Association of Bush Regenerators (AABR) with a minimum qualification in Conservation and Land Management (Natural Area Restoration and Management) Certificate III.**

**Reason: To ensure Port Macquarie-Hastings Council is aware of the status and environmental performance of the Quarry.**

**Amend condition 54 to read:**

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**Documentary evidence (including weighbridge data) shall be submitted to Port Macquarie-Hastings council annually and be maintained and made available on request to an authorised officer of Port Macquarie-Hastings Council to confirm the amount of resource extracted from the expansion area.**

**Reason: To ensure the operations are undertaken in accordance with the development consent.**

**Amend condition 55 to read:**

**A maximum of 30 laden trucks (i.e. 60 truck movements) is permitted from the site on any weekday and 15 laden trucks on Saturday. Documentary evidence shall be maintained and made available on request to an authorised officer of Port Macquarie-Hastings Council to confirm daily truck movements.**

**Reason: To ensure the operations are undertaken in accordance with the development consent.**

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## **06    GENERAL BUSINESS**

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Nil

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**The meeting closed at 4.11pm.**

## Agenda

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Item: 05

Subject: DISCLOSURES OF INTEREST

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### RECOMMENDATION

That Disclosures of Interest be presented

### DISCLOSURE OF INTEREST DECLARATION

<b>Name of Meeting:</b>	
<b>Meeting Date:</b>	
<b>Item Number:</b>	
<b>Subject:</b>	
<b>I, the undersigned, hereby declare the following interest:</b>	
<input type="checkbox"/> <b>Pecuniary:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Significant Interest:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Less than Significant Interest:</b> May participate in consideration and voting.	
<b>For the reason that:</b>	
<b>Name:</b>  <b>Signed:</b>	<b>Date:</b>
<b>Please submit to the Governance Support Officer at the Council Meeting.</b>	

*(Refer to next page and the Code of Conduct)*

# Agenda

## Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
  - (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
  - (a) Your “relative” is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
  - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
  - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

## Non-Pecuniary

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.

## Agenda

- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### **Managing non-pecuniary conflicts of interest**

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1

## Agenda

- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
  - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

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## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.*

*If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <b>(the <i>identified land</i>)</b>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <b>(the <i>subject land</i><sup>2</sup>)</b> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]*

**Councillor's Signature:** ..... **Date:** .....

*This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting*

Last Updated: 3 June 2019



# Agenda

## Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest

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Item: 05

Subject: **DA2022 - 305.3 Residential Subdivision - Modification at Lot 66 DP 130693, Capital Drive Thrumster**

Report Author Development Assessment Planner, Vanessa Penfold

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**Applicant:** Hopkins Consultants

**Owner:** PM Land Pty Ltd

**Estimated Cost:** N/A

**Parcel no:** 73617

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### **Alignment with Delivery Program**

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

### **Recommendation**

**That the section 4.55 modification to DA2022 - 305.3 for a proposed modification to an approved residential subdivision at Lot 66 Deposited Plan 130693, Capital Drive, Thrumster be determined by granting consent subject to the recommended consent condition changes.**

### **Executive Summary**

This report considers a modification application for changes to staging of an approved residential subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following notification of the application, 3 submissions were received.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the modification of development consent be approved subject to the attached recommended consent condition changes. (Attachment 1).

The reason for the application being referred to Council's Development Assessment Panel (DAP) is because three (3) or more objections to the proposal have been received. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

## **1. Background**

### **Existing Sites Features and Surrounding Development**

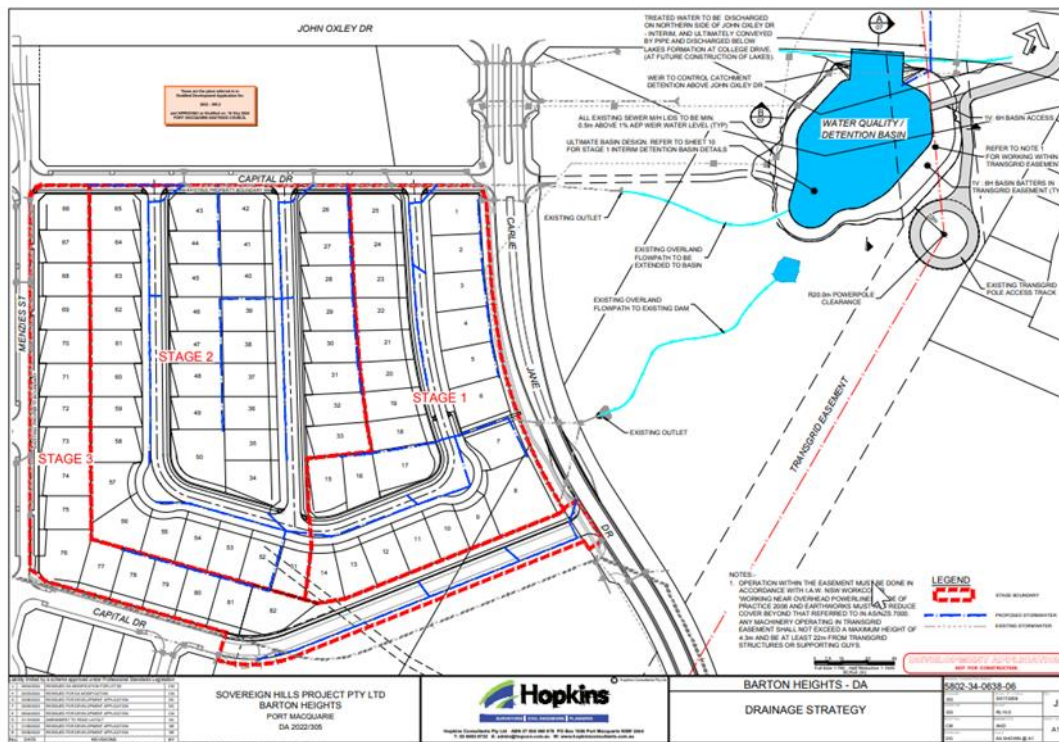
The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011.

The site is subject to an existing development consent granted on 27 July 2023 for subdivision of land to create 82 residential lots over 3 stages, and associated

infrastructure including a water quality detention basin, and construction of Capital Drive south. The development consent was previously modified on 14 May 2024 to provide for changes to lots 8 to 14 and lot 32 with no change to the total lots proposed.

Under the current consent, construction of the extension of Capital Drive along the southern edge of the development to Carlie Jane Drive is required in connection with Stage 3 of the subdivision.

The plan below shows the approved subdivision layout and water quality detention basin.



The existing subdivision pattern and development within the locality is shown by the aerial photograph below. Stages 1 and 2 of the development have been constructed and individual lots created.



## 2. Description of Development

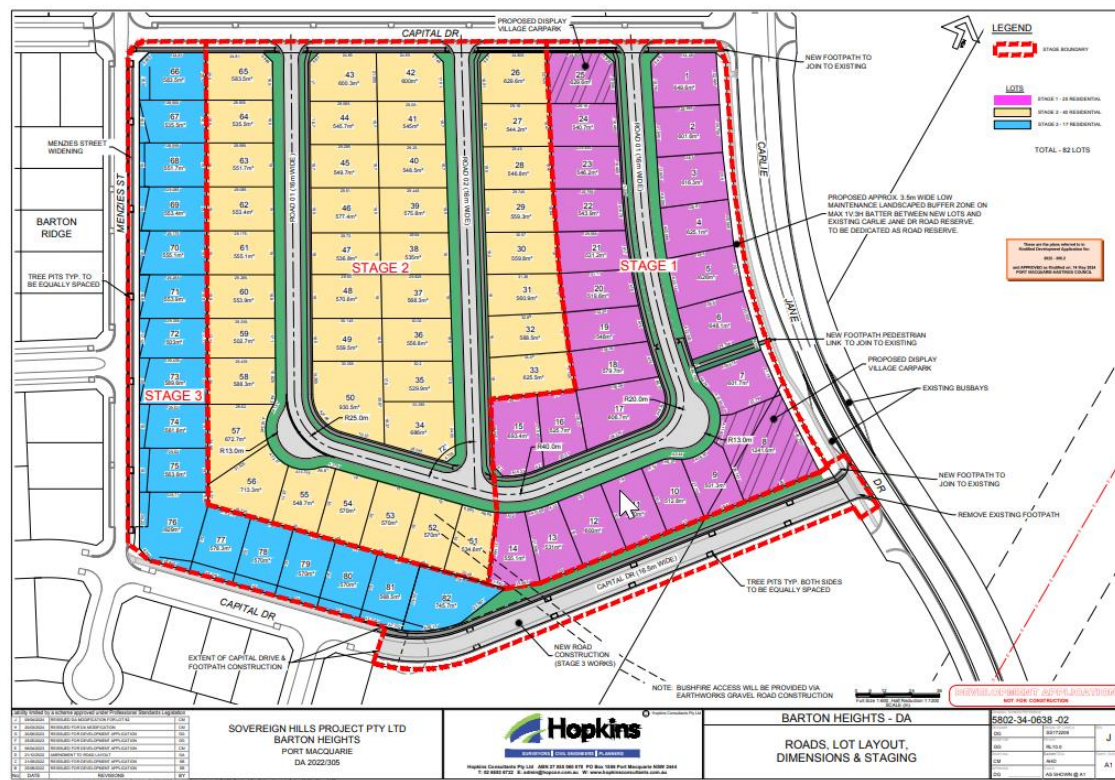
Key aspects of the proposal include the following:

- The modification relates to a change in the staging of approved lots.
- Stage 3 of the approved subdivision is proposed to be split into 2 stages being:  
Stage 3 comprising 12 lots with frontage to Menzies Street (Lots 66 to 77),  
and Stage 4 comprising 5 lots with frontage to Capital Drive (Lots 78 to 82).
- Construction of the extension of Capital Drive south to connect to Carlie Jane Drive is proposed to take place as part of Stage 4.
- There is no change to the subdivision layout or total number of approved lots, being 82 lots.

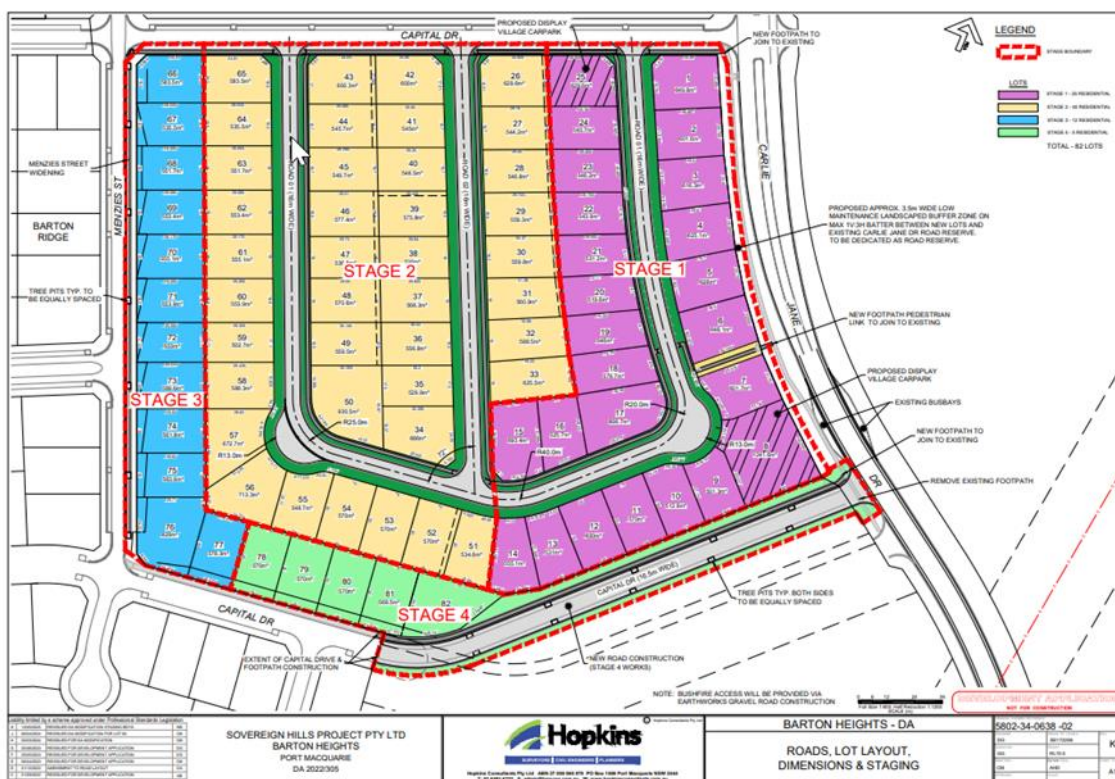
The applicant has advised that the proposed change to staging is due to delays with ecological assessment work currently underway in connection with DA2024 - 900. This may allow for the Capital Drive extension to be constructed south of the current approved alignment and would align with an existing water main.

The plan below shows the current approved development plans and staging, as modified on 14 May 2024.





The plan below shows the proposed modification with an additional Stage 4 comprising 5 lots - Lots 78 to 82 (light green).



A full plan set for the proposed development is provided at the end of this report (Attachment 2).

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**Application Chronology**

- 13 June 2025 - Application lodged
- 25 June 2025 to 8 July 2025 - Neighbour notification, 3 submissions received.
- 10 July 2025 - Request for applicant to consider key issues raised in submissions.
- 14 July 2025 - Applicant provided response to submissions.

**3. Statutory Assessment****Section 4.15(1) Matters for Consideration**

The application has been lodged pursuant to Section 4.55(1A) on the basis that it is substantially the same development to that which was originally consented to.

Section 4.55 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modifications into Section 4.55(1) for modifications involving minor error, mis-description or miscalculation, Section 4.55(1A) are for modifications involving minimal environmental impact and Section 4.55(2) are for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented.

In determining the modification application, Council is required to take into consideration matters as are relevant to the development that apply to the land to which the modification application relates. The requirements of Section 4.55(1A) are considered as follows:

**Section 4.55(1A)(a) The proposed modification is of minimal impact**

The proposed modification involves changes to staging only and would not result in additional environmental impacts.

**Section 4.55 (1A)(b) Is the proposal substantially the same?**

In considering the modification, an assessment of the following has been undertaken to establish whether the modification proposal (as amended) is substantially the same development with a particular focus on the following:

- Comparison of the quantitative and qualitative differences between the original and modified development.
- Comparison of the material and essential features (critical elements) of the original and modified development.
- Comparison of the consequences of carrying out the modification with the original approval.

The applicant has submitted justification that the modification proposal is substantially the same as part of the Statement of Environmental Effects.

Having regard to the above, the following assessment comments are provided:

- The proposal does not result in any change to the footprint or total number of lots from that originally approved.
- The proposal will not result in any significant adverse environmental impacts from that originally approved.
- The proposal will not result in a radical transformation of the development from that originally approved.

Consequently, it is considered that the proposal as modified is substantially the same development to that originally approved.

#### **Section 4.55(1A)(c) The application has been notified in accordance with the regulations and Council's Community Participation Plan**

The application was notified from 25 June to 8 July 2025 in accordance with Council's Community Participation Plan.

#### **Section 4.55(1A)(d) Consideration of any submissions received**

Following notification of the application from 25 June to 8 July 2025, 3 submissions were received. The key issues raised in the submissions received were provided to the applicant for consideration and a response has been provided during assessment.

Copies of all written submissions have been provided separately to members of the DAP. Copies of the Statement of Environmental Effects and plans have been made publicly available and are accessible on Council's DA tracker.

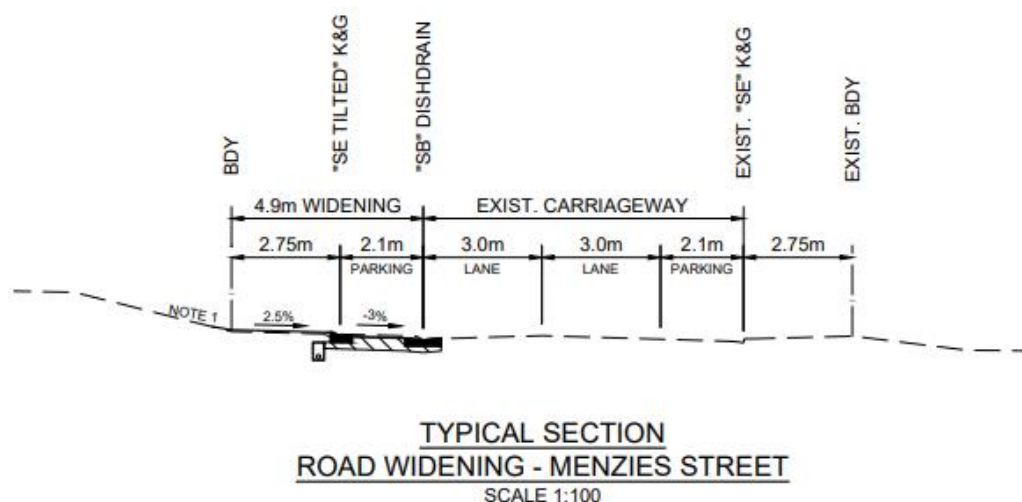
Key planning issues raised in the submissions received and comments are provided as follows:

<b>Submission Issue/Summary</b>	<b>Planning Comment/Response</b>
The modification application does not address road widening in Menzies Street	There is no change proposed to widening of Menzies Street as shown on Sheet 5 of the plans. Refer to extract from the plans submitted with the modification application below this table.  Road widening of 4.9m is proposed with parking bays available on the eastern side of Menzies Street in addition to parking on the western side of the street.
Objection to the release of lots prior to the widening of Menzies Street	Widening of Menzies Street will be completed prior to release of lots in Stage 3 that have frontage to Menzies Street.
Concerned that the application states there will be no material impact on stakeholders	The application is substantially the same as the original approved subdivision and therefore considered to have minimal additional impact.
No parking on the eastern side of Menzies Street will reduce trafficable road width to 3.0m	Parking is provided for on both sides of Menzies Street.
Opposing east-west driveways will create safety issues on the narrow street	There will be adequate manoeuvring area in Menzies Street for vehicles reversing from opposing driveways.
Concerned about increased traffic flow	There is adequate capacity in the local street network to cater for traffic generated from the creation of the proposed lots. Capital Drive will ultimately connect to Carlie Jane Drive.
Existing road layout is not suitable for housing on both sides of Menzies Street. Other streets have parking on	Menzies Street is proposed to be widened and parking is proposed on both sides of the street.



Submission Issue/Summary	Planning Comment/Response
both sides.	
House construction without additional parking will create congestion - where will trades park?	Widening of Menzies Street will occur prior to release of the subdivision certificate and registration of new lots on Menzies Street.
Concerned that this may be an underhanded way of circumventing the parking issue	Street widening is proposed and will occur prior to registration of new lots in Stage 3.
The arc of the southern end of Menzies Street needs to be corrected to avoid vehicles swinging out wide to left into Capital Drive south from Menzies Street.	The existing corner complies with relevant engineering standards. Works are not proposed to the existing corner kerb at the intersection of Menzies Street and Capital Drive.

Extract from Sheet 5 of the submitted plans (Ref: 5802-34-0638-05 Revision K) showing typical section, including road widening proposed at Menzies Street.



**4.55(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.**

Planning assessment matters, as only relevant to the modification application are reconsidered below having regard to section 4.15(1) of the Act below:

**(a) The provisions (where applicable) of:**

**(i) Any Environmental Planning Instrument**

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

**Chapter 4 - Koala habitat protection 2021**

Clause 4.4 - The land is zoned R1 General Residential and this chapter applies.

Clause 4.8 - The land is subject to an approved Koala Plan Management for Area 13 (Thrumster) that was considered as part of the assessment of the original development proposal. The proposal will not result in any significant adverse environmental impacts and does result in alteration to the footprint from that originally approved.

### **State Environmental Planning Policy (Planning Systems) 2021**

The modification application is not identified as state significant or regionally significant development.

### **State Environmental Planning Policy (Primary Production) 2021**

#### Chapter 2 - Primary Production and rural development

The proposed modification will not result in adverse impact on any oyster aquaculture development or priority oyster aquaculture area.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

#### Chapter 2 - Coastal management

Having regard to clause 2.8 (proximity to coastal wetlands or littoral rainforest) of this SEPP, the proposed development is not located within proximity to coastal wetland or littoral rainforest. The site is not located within a coastal use area or coastal environment area.

#### Chapter 3 - Hazardous and offensive development

The development as proposed to be modified is not identified as a hazardous or offensive industry.

#### Chapter 4 - Remediation of land

Clause 4.6 - The provisions of this policy were considered as part of the assessment of the original development and the site considered suitable for the residential subdivision.

### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

Clause 4.8 - Proximity to electrical infrastructure was considered as part of the original application and is not altered by the proposed change in staging.

Clause 2.122 - The application is not traffic generating development. There is no change to the approved road layout and no additional impacts identified for surrounding traffic safety, road congestion or parking. The proposal includes the widening of Menzies Street in accordance with the original approved plans.

### **Port Macquarie-Hastings Local Environmental Plan 2011**

The modified proposal is consistent with the original development proposal and does not seek to vary LEP provisions.

#### **(a)(ii) the provisions of any proposed instrument:**

No draft instruments apply to the site.

#### **(iii) Any Development Control Plan in force**

### **Port Macquarie-Hastings Development Control Plan 2013 (DCP)**

The proposal is considered substantially the same as the original approved development and does not seek to change the footprint, layout or total approved lots. The original proposal was assessed with regard to relevant DCP provisions and there are no additional matters of relevance identified as a result of the proposal to change staging.

**(iia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

There are a series of planning agreements that have already been entered into under Section 7.4 of the Act that relate to the site and these are referred to in the original conditions of consent. The application for modification of consent to amend the staging of the subdivision does not include an additional offer to enter into a planning agreement.

**(iv) Any matters prescribed by the Regulations**

There are no additional prescribed matters identified in connection with the proposed modification.

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality**

**Access, Traffic and Transport**

The proposal as modified would not result in adverse impacts on the local road network.

**Heritage**

The site is not identified as heritage item.

**Other land resources**

The modified development will not sterilise any significant mineral or agricultural resource.

**Soils**

Subject to the implementation of appropriate erosion and sediment control measures the modified development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity.

**Social impacts in the locality**

Given the nature of the development and its location the modified proposal is not considered to have any significant adverse social impacts.

**Economic impact in the locality**

The modified proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the modified development will maintain employment in construction which will lead to flow impacts such as expenditure in the area.

**Cumulative impacts**

The modified development is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

**(c) The suitability of the site for the development**

The modified proposal will fit into the locality and the site attributes are conducive to the development.

**(d) Any submissions made in accordance with this Act or the regulations**

Refer to submissions table earlier within this report.

**(e) The public interest**

The development as proposed to be modified satisfies relevant planning controls and has satisfactorily demonstrated it will not have any significant adverse impacts on the wider public interest.

**Ecologically Sustainable Development and Precautionary Principle**

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

**Climate change**

The proposal is not considered to be vulnerable to any risks associated with climate change.

**4. Development Contributions Applicable**

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required in accordance with the conditions of the consent and Planning Agreements towards roads, open space, community cultural services, emergency services and administration buildings and environmental land management.
- A separate notice of payment for each of the remaining stages will be issued upon request by the developer, prior to release of subdivision certificate for each stage.

**5. Conclusion and Statement of Reason**

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The proposal to modify the approved residential subdivision does not raise any significant general public interest issues beyond matters already addressed in this report. Overall, the proposed development is consistent with the provisions and objectives of the relevant planning controls and will have an acceptable impact on the surrounding natural and built environment. Approval of the application for modification is considered to be in the public interest as it achieves the LEP objectives for development in the zone. No significant adverse environmental, social or economic impacts on the locality have been identified as a result of the proposed modification. Accordingly, the proposal is considered to be in the public interest.

### Attachments

1 [!\[\]\(e2376d476d06eb31946dc01a69a4403a\_img.jpg\) Attachment 1 - Recommended Conditions](#)

2 [!\[\]\(74d4806277d7e73349d8e8c0897931e9\_img.jpg\) Attachment 2 - Plans](#)

## DRAFT RECOMMENDED CONDITIONS - UPDATES IN RED

NOTE: THESE ARE DRAFT ONLY

DA NO: 2022/305.3

DATE: August 2025

The conditions of consent referred to in the Notice of Determination for DA No 2022/305 are as follows:

No.1	Modification No.1	14 May 2024
No.2	Modification No.2	INSERT DATE

### PRESCRIBED CONDITIONS

The development is to be undertaken in accordance with the relevant prescribed conditions in Part 4 - Division 2 of the Environmental Planning & Assessment Regulation 2021.

### A - GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Subdivision plans as stamped	Rev H-J K 5802-34-0638-01 5802-34-0638-02 5802-34-0638-03 5802-34-0638-04 5802-34-0638-05 5802-34-0638-06 5802-34-0638-07 5802-34-0638-08 5802-34-0638-09 5802-34-0638-10 <sup>1</sup>	Hopkins Consultants	<del>20 June 2023</del> 9 April 2024 <sup>1</sup> June 2025 <sup>2</sup>
Statement of Environmental Effects	Ref: 5802/34 Addendum letter - 20 March 2024 <sup>1</sup> Letter - 4 June 2025 <sup>2</sup>	Hopkins Consultants	May 2023 20 March 2024 <sup>1</sup> 4 June 2025 <sup>2</sup>
Bushfire Assessment Report	Nil	Midcoast Building and Environmental	April 2023
Road Traffic Noise	M22037.01A	Matrix Thornton	4 April 2022

Assessment			
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In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.<sup>1</sup>

- (2) (A002) No building or subdivision work shall commence until a Construction Certificate or Subdivision Works Certificate has been issued and the applicant has notified Council of:

- a. the appointment of a Principal Certifying Authority; and
- b. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1 : Lots 1 to 25 (25 lots), construction of road network and associated infrastructure. Construction of interim design stormwater detention basin.<sup>1</sup>
- Stage 2 : Lots 26 to 65 (40 lots), construction of road network and associated infrastructure. Construction of the ultimate design stormwater bio-detention basin.<sup>1</sup>
- Stage 3: Lots 66 to 82-77 (17 12 lots), construction of road network ~~including Capital Drive,~~ and associated infrastructure and dedication of stormwater bio-detention basin.<sup>2</sup>
- Stage 4: Lots 78 to 82 (5 lots), construction of road network including Capital Drive south extension to Carlie Jane Drive, and associated infrastructure.<sup>2</sup>

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.<sup>1</sup>

- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  4. Building waste is to be managed via appropriate receptacles into separate waste streams;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
  6. Building work being limited to the following hours, unless otherwise permitted by Council;



- Monday to Saturday from 7.00am to 6.00pm
- No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.46 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference DA20220506007598-CL55-1 and dated 18 May 2023, are attached and form part of this consent.
- (8) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (9) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development, excepting Menzies Street that has existing foot paving on western side, A 1.5 metre wide footpath (unless varied in writing by Council) is required with design details in accordance with AUSPEC and Council Standard drawing ASD103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (10) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (11) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the

security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (12) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (13) (A046) Provision to each lot of a separate water connection (un-metered and sealed) to Council's main. The design shall be in accordance with Council's Water Supply for Development Procedure.
- (14) (A195) The applicant is to comply with and perform the provisions of the planning agreement entered into under section 93F of the Environmental Planning and Assessment Act known as the First Deed of Variation to Sovereign Hills Estate Planning Agreement and Area 13 Environmental Land Management Planning Agreement as modified from time to time between Port Macquarie-Hastings Council and Sovereign Hills Project Pty Ltd, ABN 76003823274 Care of Lewis Land Group of Companies, suite 3802, Level 38, Australia Square Tower, 264 George Street, Sydney, New South Wales 2000 in relation to the carrying out of the development the subject of this consent.

**B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) (B003) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate or Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  - 1. Road works along the frontage of the development.
  - 2. New roads within the subdivision.
  - 3. Earthworks
  - 4. Sewerage reticulation.
  - 5. Water supply reticulation.
  - 6. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
  - 7. Retaining walls.
  - 8. Stormwater systems.
  - 9. Erosion & Sedimentation controls.
  - 10. Location of all existing and proposed utility services including:
    - a. Conduits for electricity supply and communication services (including fibre optic cable).
    - b. Water supply
    - c. Sewerage
    - d. Stormwater
  - 11. Traffic management control plan
  - 12. Provision of a 1.5m width concrete footpath across the full road frontage of the property, excepting Menzies Street that has existing foot paving on the western side.
  - 13. The slope of the cut/fill batter shall be in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Adequate safety fencing is to be provided if maximum batter slope is exceeded.

- (2) (B004) Road network within the subdivision is to be categorised with carriageway width as follows. Prior to release of the Subdivision Works Certificate such details are to be illustrated on the submitted plans.

Road No. 1	Width (metres): 16	Type: Local
Road No. 2	Width (metres): 16	Type: Local
Capital Drive	Width (metres) 16.5	Type: Local

- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving
- Footway and gutter crossing
- Functional vehicular access

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (4) (B007) Road names proposed for the development shall be submitted to Council prior to release of the Subdivision Works Certificate or Construction Certificate. A suitable name for any new road(s) shall be in accordance with the NSW Addressing User Manual.

- (5) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies.

- (6) (B030) Prior to issue of Subdivision Works Certificate or Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:

- 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
- 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
- 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).

- (7) (B034) Prior to release of the Subdivision Works Certificate or Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:

- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include

photographs of the existing pavement and pavement deflection test results taken in the travel lanes;

- Recommended load limits for haulage vehicles and;
- A procedure for monitoring the condition of the pavement during the haulage;
- Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.

- (8) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining walls is to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- (9) (B052) The provision of 3m x 3m splay corners, excluding Lot 1, or otherwise agreed to by Port Macquarie-Hastings Council. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Subdivision Works Certificate or Construction Certificate.
- (10) (B061) Prior to release of the Construction Certificate submission of a Waste Management Plan, in accordance with Council's current requirements.
- (11) (B065) The applicant shall implement a landscape maintenance program for a minimum period of twelve (12) months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Detailed Landscape Plan with the Construction Certificate application.
- (12) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Subdivision Works Certificate or Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:
  - a) The legal point of discharge for the proposed development is defined as a direct connection to the existing downstream flowpath/drainage infrastructure to the north of John Oxley Drive as shown on the approved plans. NOTE - the temporary outlet from the bioretention basin shall not be dedicated to Council until such time as it is extended to its final point of discharge downstream of the future lakes.
  - b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
  - c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
  - d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 1% AEP event. Summary calculations demonstrating compliance with the above requirements for the median storm in the critical duration for the design AEP shall be submitted (20%, 5% & 1% AEP at minimum) Alternative is to submit an electronic model in DRAINS format for electronic review. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.

The provision of an interim stormwater detention facility to treat completed stage 1 (at release of subdivision certificate), and stage 2 for treatment throughout construction only, shall be provided in accordance with submitted plans by Hopkins dated 9/04/2024 "Stage 1 Interim Detention Basin".

The interim basin will remain as a private owned and maintained asset, providing benefit to Council and relevant released development Lots in Barton Heights Stage 1. An easement shall be created over the interim basin located within Lot 381 DP1241368, and Lot 1 DP1260814 benefitting Council and private lots associated with the upstream development. Abolishment of this easement will be required upon completion of stage 2.3 prior to subdivision certificate release of first final lot in that stage.

The completion of the ultimate design bio-detention basin and associated infrastructure shall be constructed in accordance with Hopkins Plans dated 24/10/2023 "Stormwater drainage Water Quality Basin Plan" prior to the release of subdivision certificate for first final lot of stage 2.3.1.2

- e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
- f) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
- g) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- h) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- i) The stormwater basin, including all batters, vegetation and fencing shall be designed in accordance with the requirements of the conditions of approval issued from Transgrid, reference number 2023-287 and dated 20 June 2023. Civil and landscape plans submitted with the application for construction certificate shall clearly demonstrate compliance with all facets of this approval.
- j) A detailed landscaping plan for the stormwater basin and all areas of the basin/surrounds that are located within the Transgrid easement shall be submitted. The landscape plan shall demonstrate that vegetation within the basin/drainage reserve is low growing, endemic and planted at suitable densities to discourage the growth of trees or large shrubs that would encroach on the Transgrid height restrictions.

A minimum 12 month landscape maintenance and establishment plan must be prepared in conjunction with the design and construction of any stormwater basin. The plan shall be implemented by the contractor(s) constructing the basin.

Successful vegetation establishment at the end of the 12 month maintenance period for the basin undertaken by the developer and in accordance with the landscape maintenance plan shall consist of:

- a. Survival of more than 90% of plants
- b. Nominated plants covering greater than 80% of the batter slopes and basin invert surface area.

- c. 5-10 plants per square meter within the basin invert, and 4-8 plants per square meter within the batters.
  - d. An increase in plant height of at least 50%, measured through markers or stakes.
  - e. No weeds
- (13) (B085) The location of electricity substations are to be clearly illustrated on the Subdivision Works Certificate or Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (14) (B195) The restoration of the existing road stub beside the new intersection location of the Capital Drive extension with Carlie Jane Drive, rendered redundant by the development. Details to be shown on the plans with the application for a Section 138, detailing removal and make good to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (15) (B196) Earthworks plans provided with the application for a Subdivision Works Certificate, shall include details of any specific works required in respect of any historical filling of the site, including any previously filled dams, so that all lots can be classified as suitable for residential construction per condition E081. Details shall be provided with the plans accompanying an application for a Subdivision Works Certificate.

**C – PRIOR TO ANY WORK COMMENCING ON SITE**

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (5) (C015) Tree protection fencing, compliant with AS 4970/2009 Protection of trees on development sites must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.
- (6) (C195) Prior to works commencing, written evidence from Transgrid confirming that the proposed works are consistent with the conditions of the permission to carry out works issued 13 October 2022 (Transgrid Reference: 2022 - 428) and 20 June 2023 (Transgrid Reference: 2023 -287).

**D – DURING WORK**

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
  - a. at completion of installation of erosion control measures
  - b. at completion of installation of traffic management works
  - c. at the commencement of earthworks;
  - d. before commencement of any filling works;
  - e. when the sub-grade is exposed and prior to placing of pavement materials;
  - f. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - g. at the completion of each pavement (sub base/base) layer;
  - h. before pouring of kerb and gutter;
  - i. prior to the pouring of concrete for sewerage works and/or works on public property;
  - j. on completion of road gravelling or pavement;
  - k. during construction of sewer infrastructure;
  - l. during construction of water infrastructure;
  - m. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.
- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D040) Wastes shall not be disposed of by burning.
- (4) (D046) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the Heritage Act 1977.
- (5) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (6) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
  - a. CBR test results, and
  - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

**E – PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE**

- (1) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (2) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material



(ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.

- (3) (E008) Payment to Council, prior to occupation or the issue of a Subdivision Certificate (whichever occurs first) of the Section 7.1.1 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with either the provisions of the following plans (as amended) or a Planning Agreement:

- Port Macquarie-Hastings Administration Building Contributions Plan 2007
- Hastings S94 Administration Levy Contributions Plan 2003
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan 2004
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005
- Port Macquarie-Hastings Section 94 Local Roads Contributions Plan Areas 13, 14 and 15 2014

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (4) (E009) Prior to the issue of the Subdivision Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of a Subdivision Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

- (5) (E012) Dedication as public road to Council, the area required for road widening along the frontage of the development at no cost to Council. Details are to be incorporated in the plan of subdivision.
- (6) (E034) Prior to occupation or the issuing of the Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E038) Inter allotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
- As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
  - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (8) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (9) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.
- A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.
- (10) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (11) (E057) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate.
- (12) (E060) Prior to Council accepting new sewer infrastructure, a CCTV inspection of all new and modified sewer assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.
- A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.
- (13) (E061) Landscaped areas being completed prior to issue of the Subdivision Certificate. Public landscaping may be bonded as agreed to by Council.

- (14) (E064) Provision of street lighting to all new roads in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Provision shall be made for placement of conduits for future requirements or upgrades. Evidence by way of letter from the electricity provider, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.

Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:

- Forward all plans to the service provider for comment;
  - Include instruction for completion of 'Lighting Requirements';
  - be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
  - Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles, for all poles that are non-standard poles.
- (15) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
  - b. The relocation of above ground power and telephone services
  - c. The relocation of street lighting
  - d. The matching of new infrastructure into existing or future design infrastructure
- (16) (E068) Prior to the issue of a Subdivision Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (17) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (18) (E073) Prior to issue of any Subdivision Certificate, proof that the State Infrastructure Levy (if applicable) has been paid is to be submitted to the certifying authority.
- (19) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and having the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
- a. Prohibiting direct vehicular access to and from Carlie Jane Drive for lots 1 to 8 (inclusive).
  - b. Prohibiting direct vehicular access to and from Capital Drive (road extension) for Lots 8 to 14 (inclusive) until the Capital Drive road extension has been dedicated as a public road.
  - c. Restriction requiring Category 2 construction with BCA compliant ventilation for all dwellings (both single and two storey) on all lots, in accordance with the "Development near Rail Corridors and Busy Roads - Interim Guideline" - Appendix C - Acoustic Treatment of Residences, Department of Planning, 2008).
  - d. Restriction advising that bushfire construction requirements will apply to future dwellings on affected lots as identified in Appendix 2 of the Bushfire

Hazard Assessment prepared by Midcoast Building and Environmental April 2023.

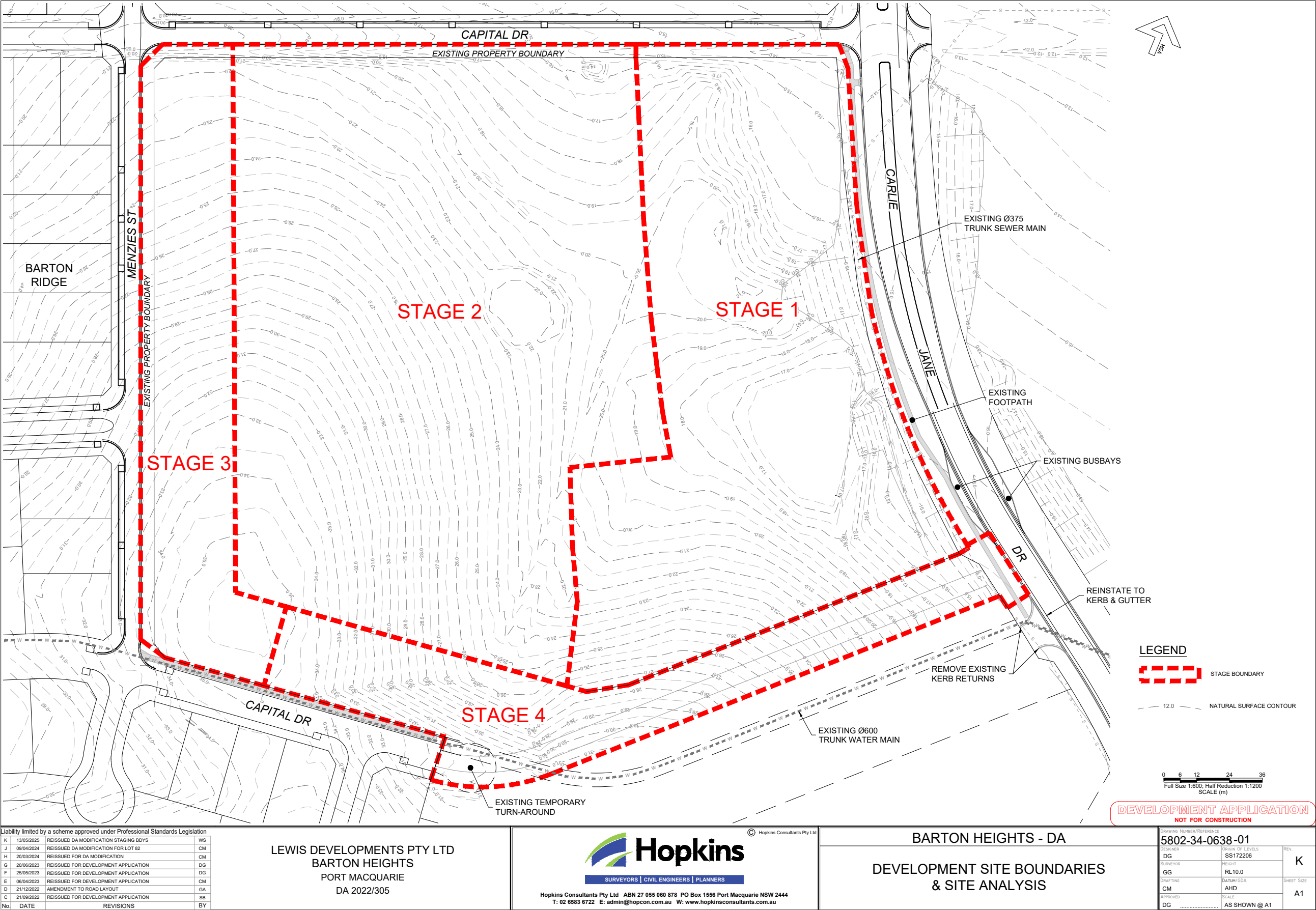
- e. Restriction advising of an Asset Protection Zone (BAL 29 contour) on the residue allotments to the south as identified in the Bushfire Hazard Assessment prepared by Midcoast Building and Environmental April 2023.
- f. Easement for water supply over the existing 600mm trunk water main that traverses the southern part of the site.
- g. An easement shall be created over the interim basin located within Lot 381 DP1241368, and Lot 1 DP1260814 benefitting Council and private lots associated with the upstream development. Abolishment of this easement will be required upon completion of stage 2 prior to subdivision certificate release of first final lot in that stage.<sup>1</sup>

Details are to be submitted to Council prior to issue of the Subdivision Certificate.

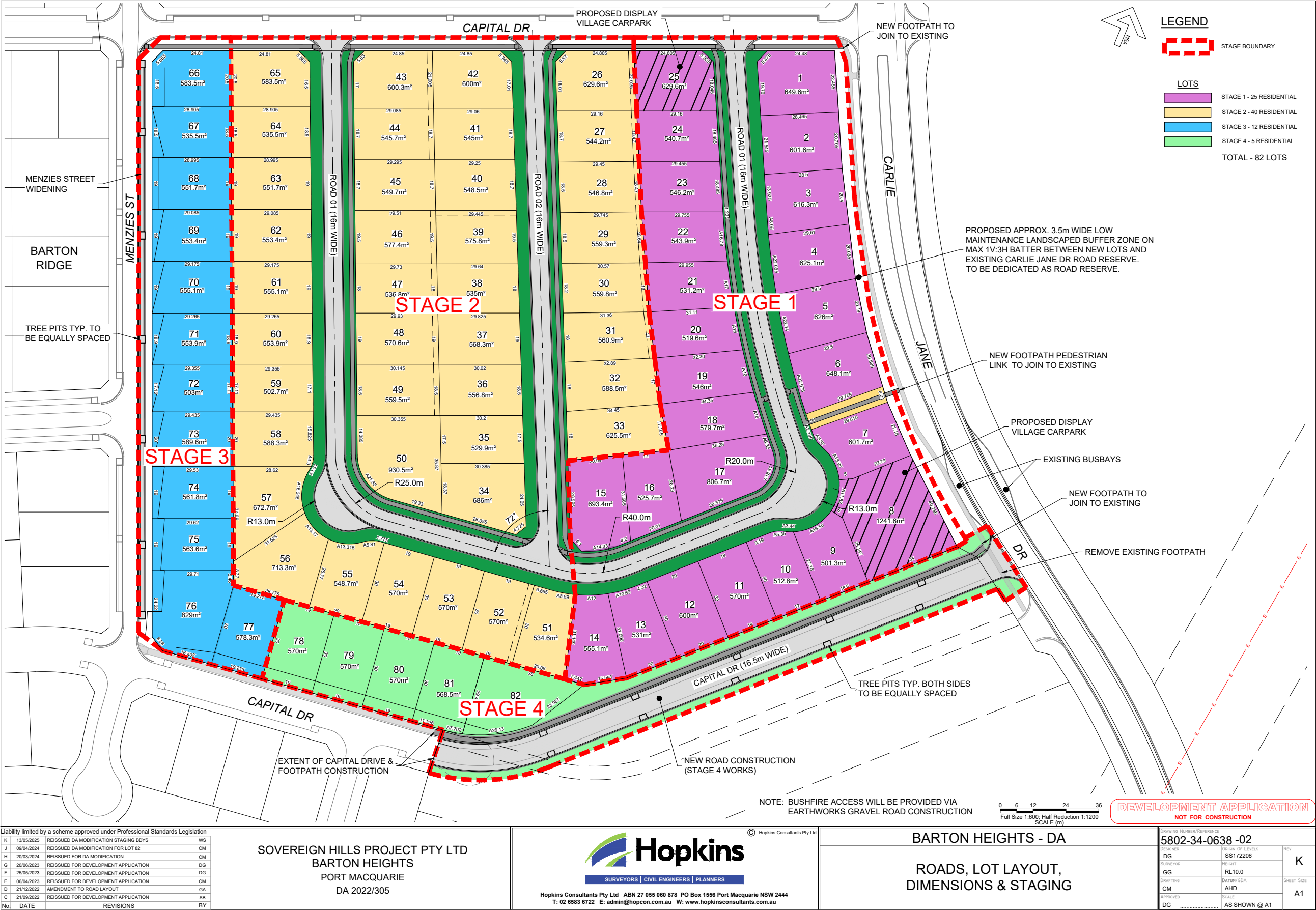
- (20) (E078) The lot identified as proposed drainage land under Council's control is to be dedicated to Council for drainage purposes. Provision for this dedication is to be made in the application for the Stage 2 3 Subdivision Certificate.<sup>1 2</sup>
- (21) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (22) (E081) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report certifying construction of all earthworks as controlled fill in accordance with Council AUS-SPEC Standard and AS 37898. Such report to provide details of:
  - a. The surface levels of the allotments created, filled or reshaped as part of the development.
  - b. Compaction testing carried out to Controlled Fill Standard as per AS 3798.
  - c. Standard penetration tests and calculated N values.
  - d. Bore logs
  - e. Site classification of all allotments in accordance with AS2870.2011 - Residential Slabs and Footings.
- (23) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

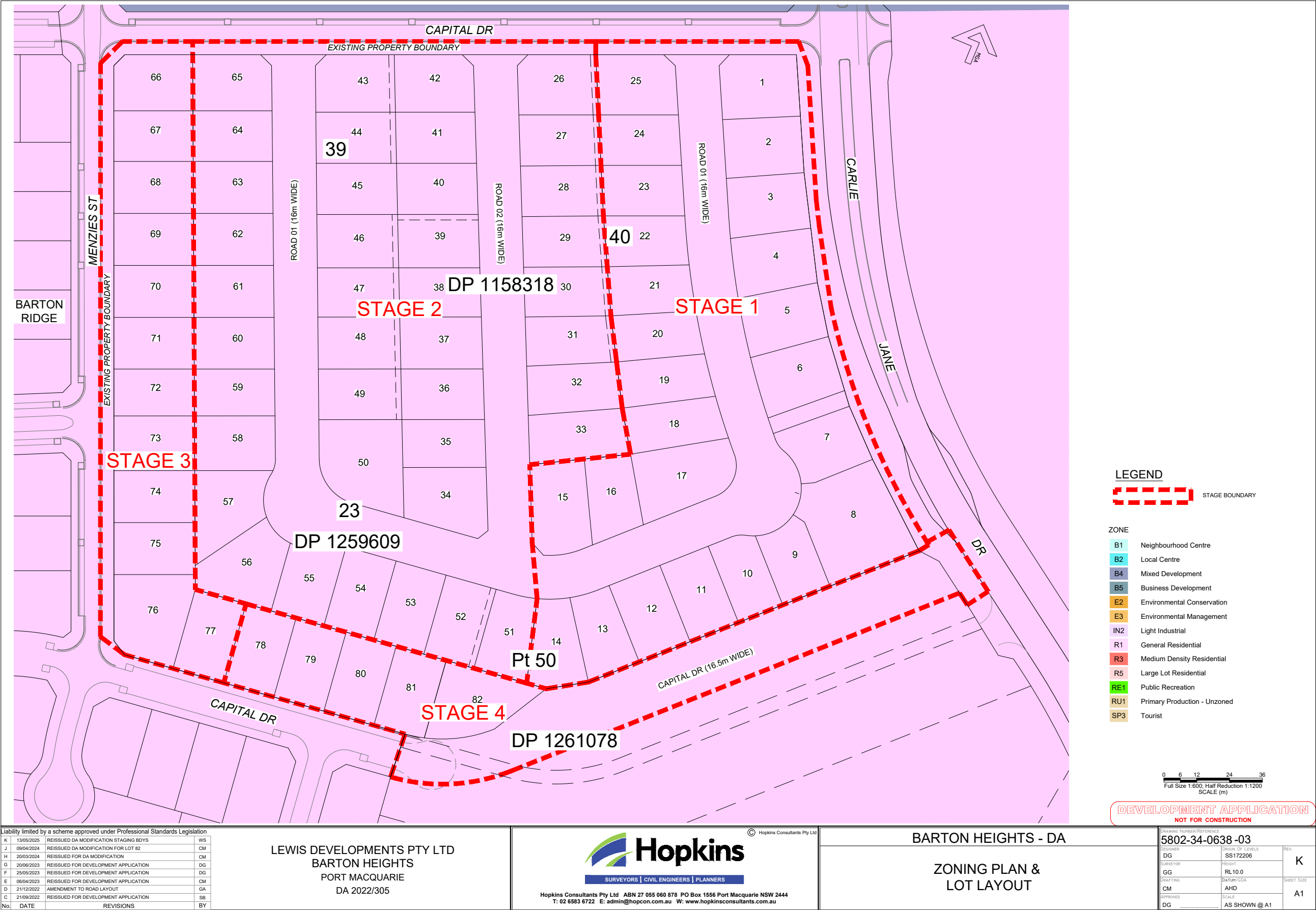
**F – OCCUPATION OF THE SITE**

nil

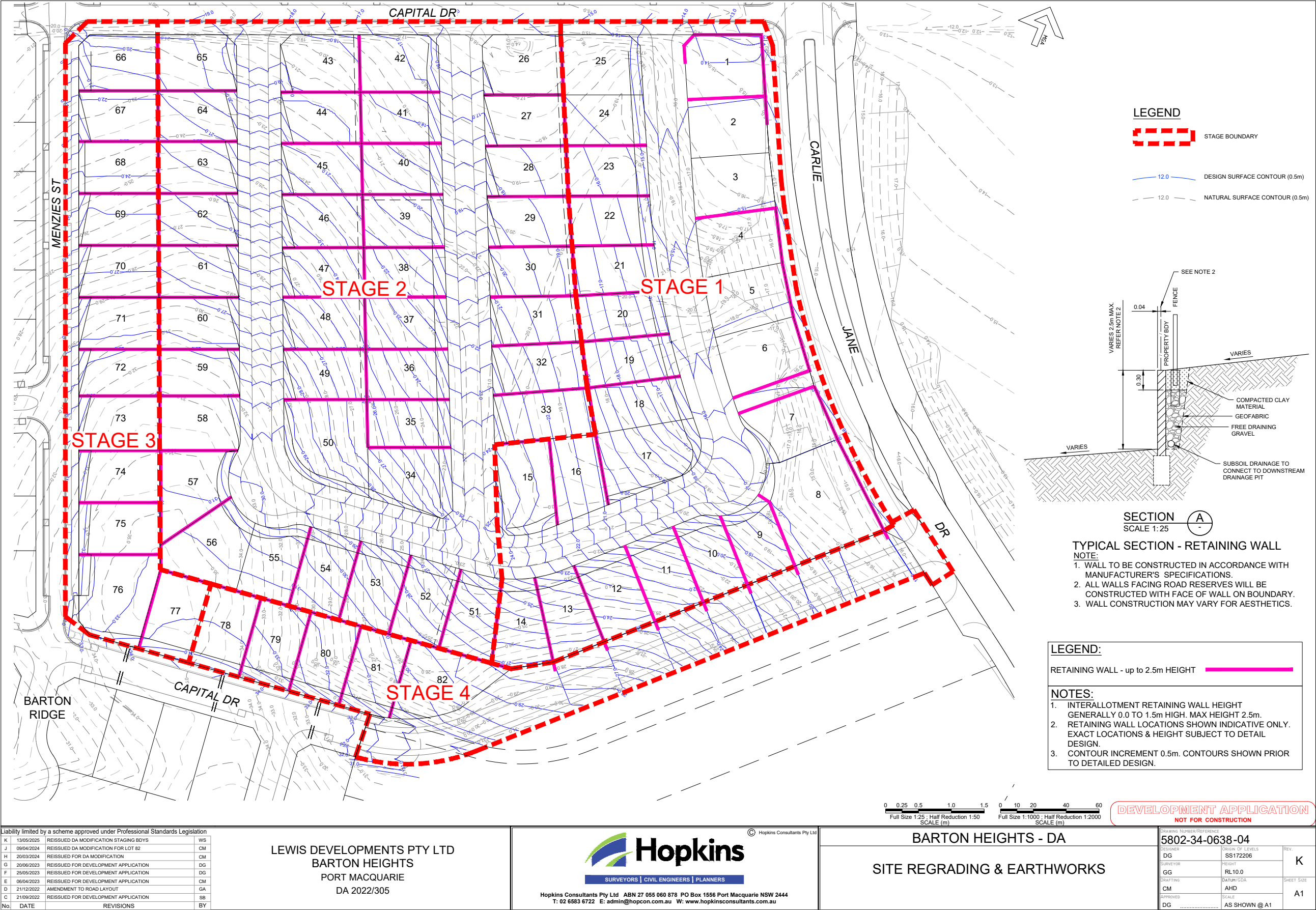


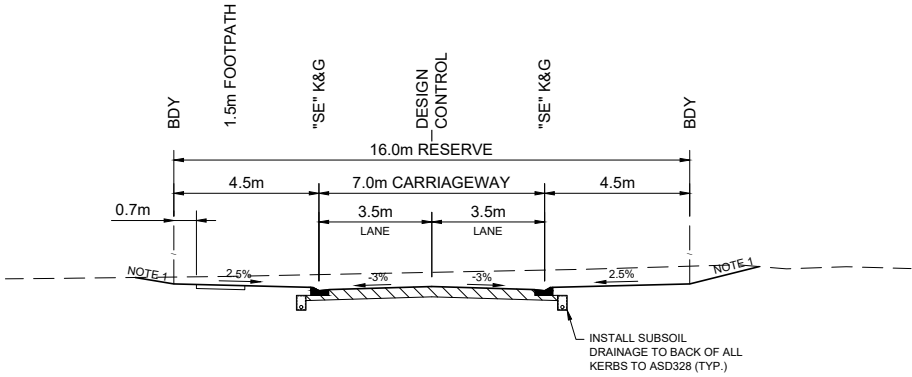




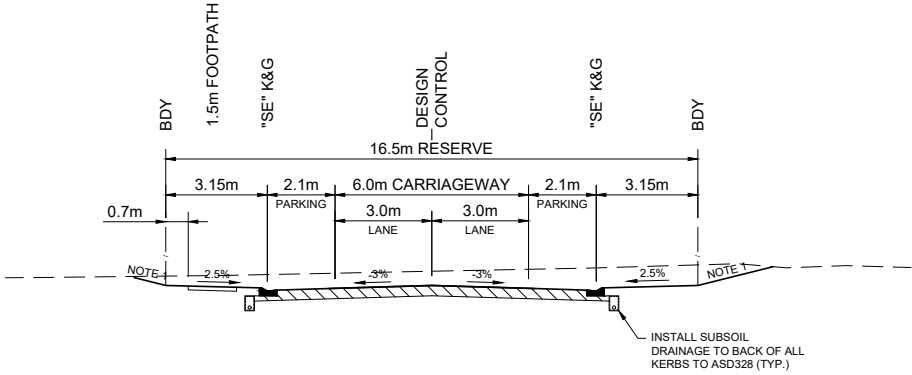




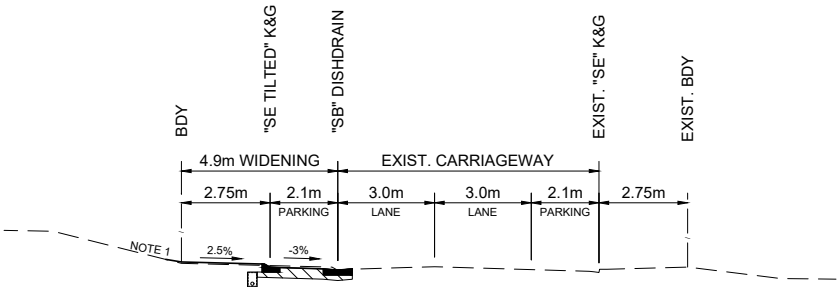




TYPICAL SECTION  
ROAD (16m WIDE)  
SCALE 1:100

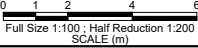


TYPICAL SECTION  
ROAD (16.5m WIDE) - CAPITAL DRIVE EXTENSION  
SCALE 1:100



TYPICAL SECTION  
ROAD WIDENING - MENZIES STREET  
SCALE 1:100

NOTES:-  
1. REFER TO LAYOUT PLANS FOR PROPOSED LOT REGRADING.



DEVELOPMENT APPLICATION  
NOT FOR CONSTRUCTION

Liability limited by a scheme approved under Professional Standards Legislation			
K	13/05/2025	REISSUED DA MODIFICATION STAGING BOYS	WS
J	09/04/2024	REISSUED DA MODIFICATION FOR LOT 82	CM
H	20/03/2024	REISSUED FOR DA MODIFICATION	CM
G	20/06/2023	REISSUED FOR DEVELOPMENT APPLICATION	DG
F	25/05/2023	REISSUED FOR DEVELOPMENT APPLICATION	DG
E	06/04/2023	REISSUED FOR DEVELOPMENT APPLICATION	CM
D	21/12/2022	AMENDMENT TO ROAD LAYOUT	GA
C	21/09/2022	REISSUED FOR DEVELOPMENT APPLICATION	SB
No.	DATE	REVISIONS	BY

SOVEREIGN HILLS PROJECT PTY LTD  
BARTON HEIGHTS  
PORT MACQUARIE  
DA 2022/305

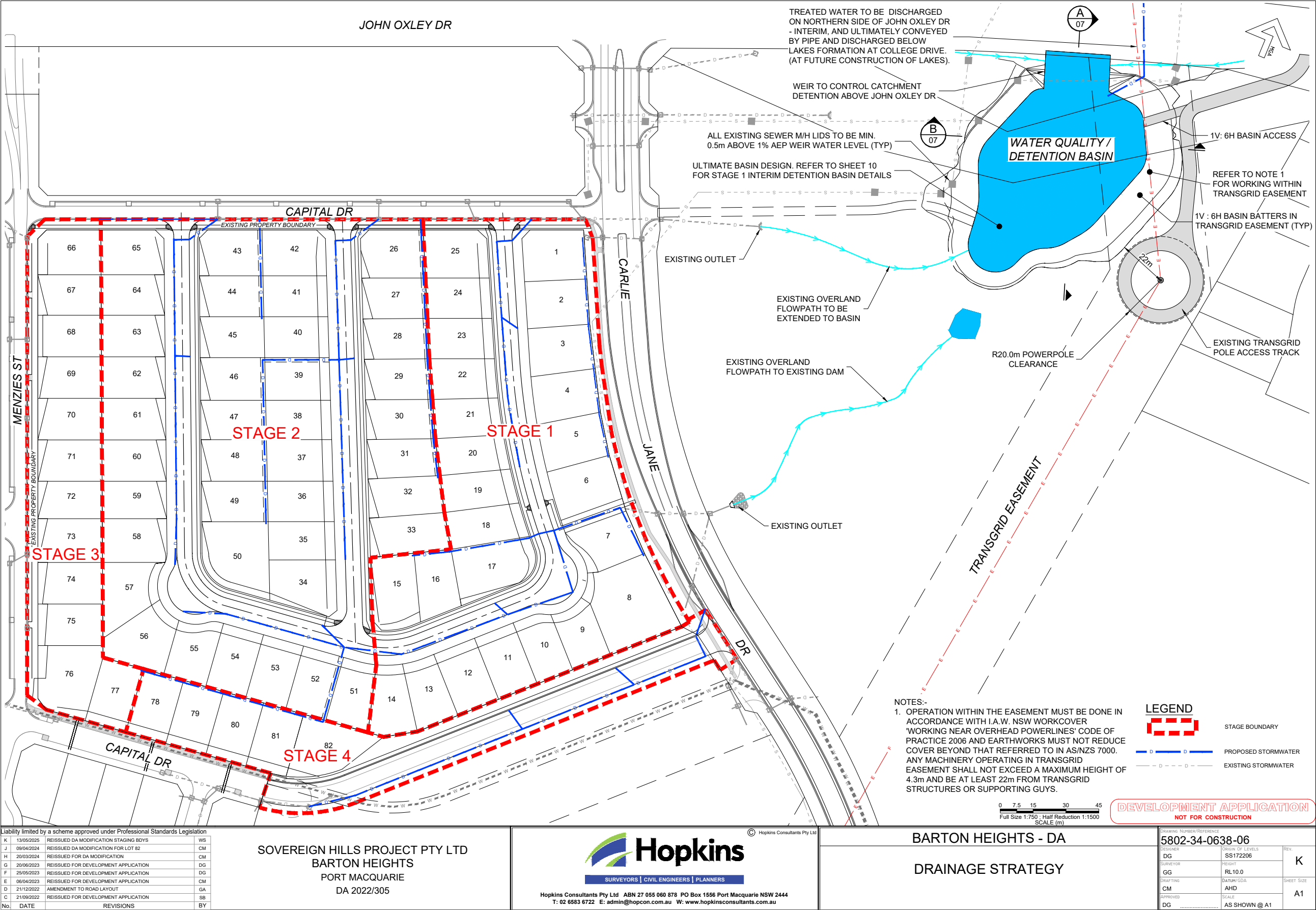


Hopkins Consultants Pty Ltd ABN 27 055 060 878 PO Box 1556 Port Macquarie NSW 2444  
T: 02 6583 6722 E: admin@hopcon.com.au W: www.hopkinsconsultants.com.au

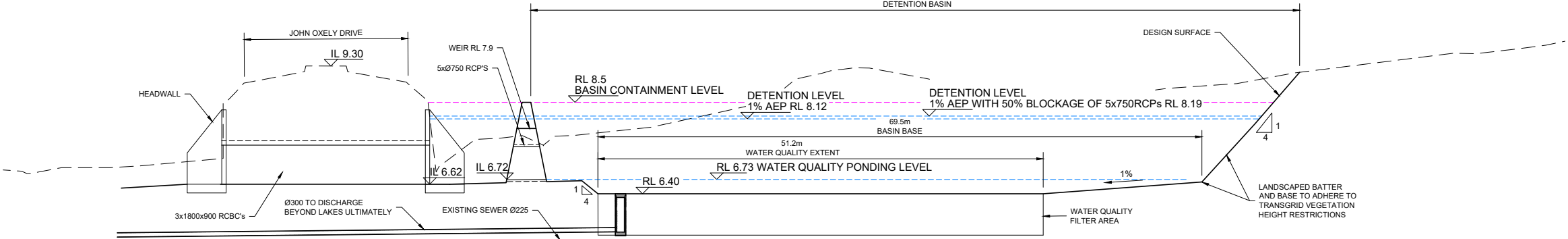
BARTON HEIGHTS - DA

ROAD TYPICAL SECTIONS

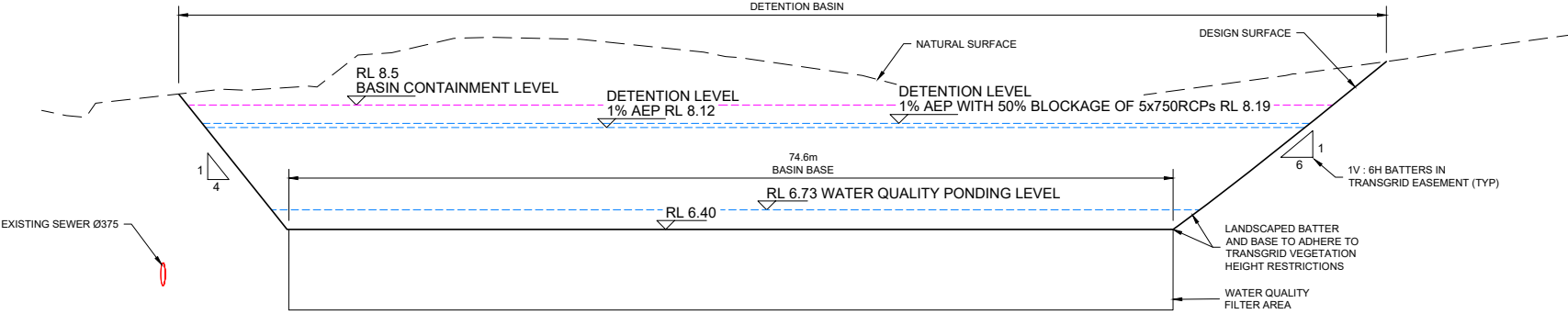
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SURVEYOR GG	HEIGHT RL10.0	
DRAFTING CM	DATUM/GDA AHD	SHEET SIZE A1
APPROVED DG	SCALE AS SHOWN @ A1	



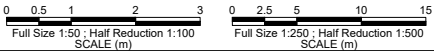




SECTION A  
SCALE 1:  
SCALE H 1: 250  
V 1:50  
NOTE: SECTION HAS 5x VERTICAL EXAGGERATION



SECTION B  
SCALE 1:  
SCALE H 1: 250  
V 1:50  
NOTE: SECTION HAS 5x VERTICAL EXAGGERATION



DEVELOPMENT APPLICATION  
NOT FOR CONSTRUCTION

Liability limited by a scheme approved under Professional Standards Legislation

K	13/05/2025	REISSUED DA MODIFICATION STAGING BOYS	WS
J	09/04/2024	REISSUED DA MODIFICATION FOR LOT 82	CM
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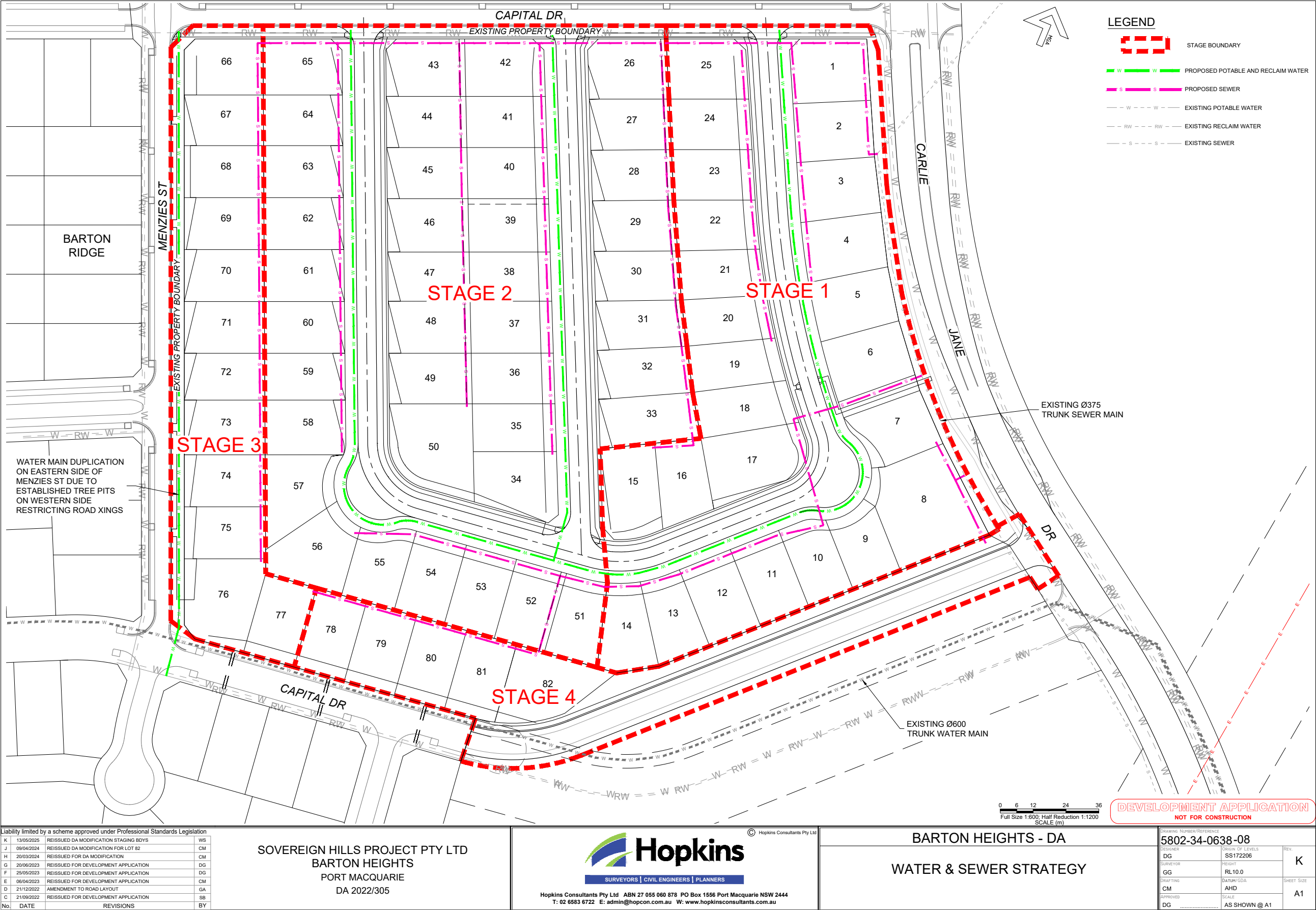
SOVEREIGN HILLS PROJECT PTY LTD  
BARTON HEIGHTS  
PORT MACQUARIE  
DA 2022/305



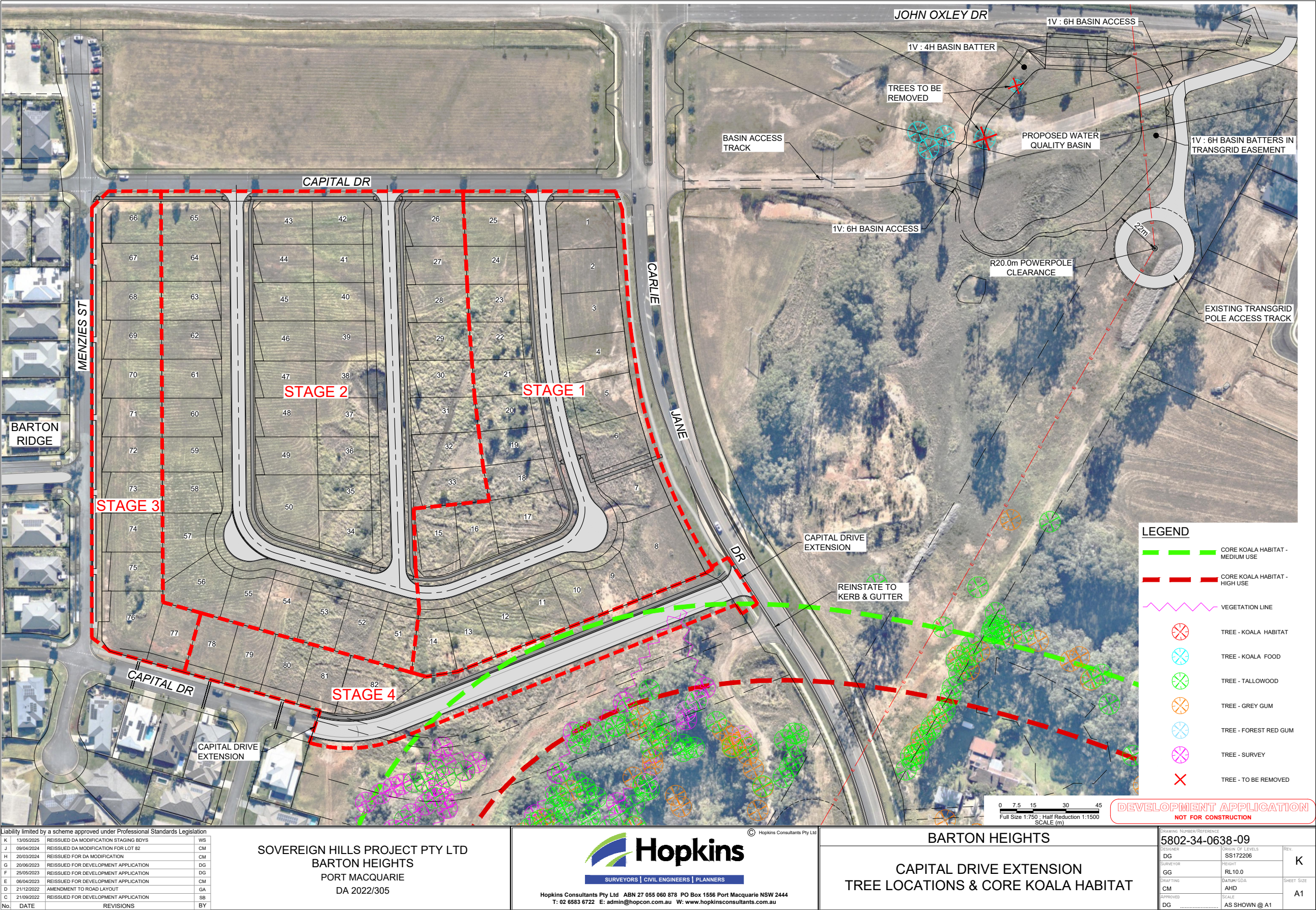
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T: 02 6583 6722 E: admin@hopcon.com.au W: www.hopkinsconsultants.com.au

BARTON HEIGHTS - DA  
WATER QUALITY BASIN SECTIONS

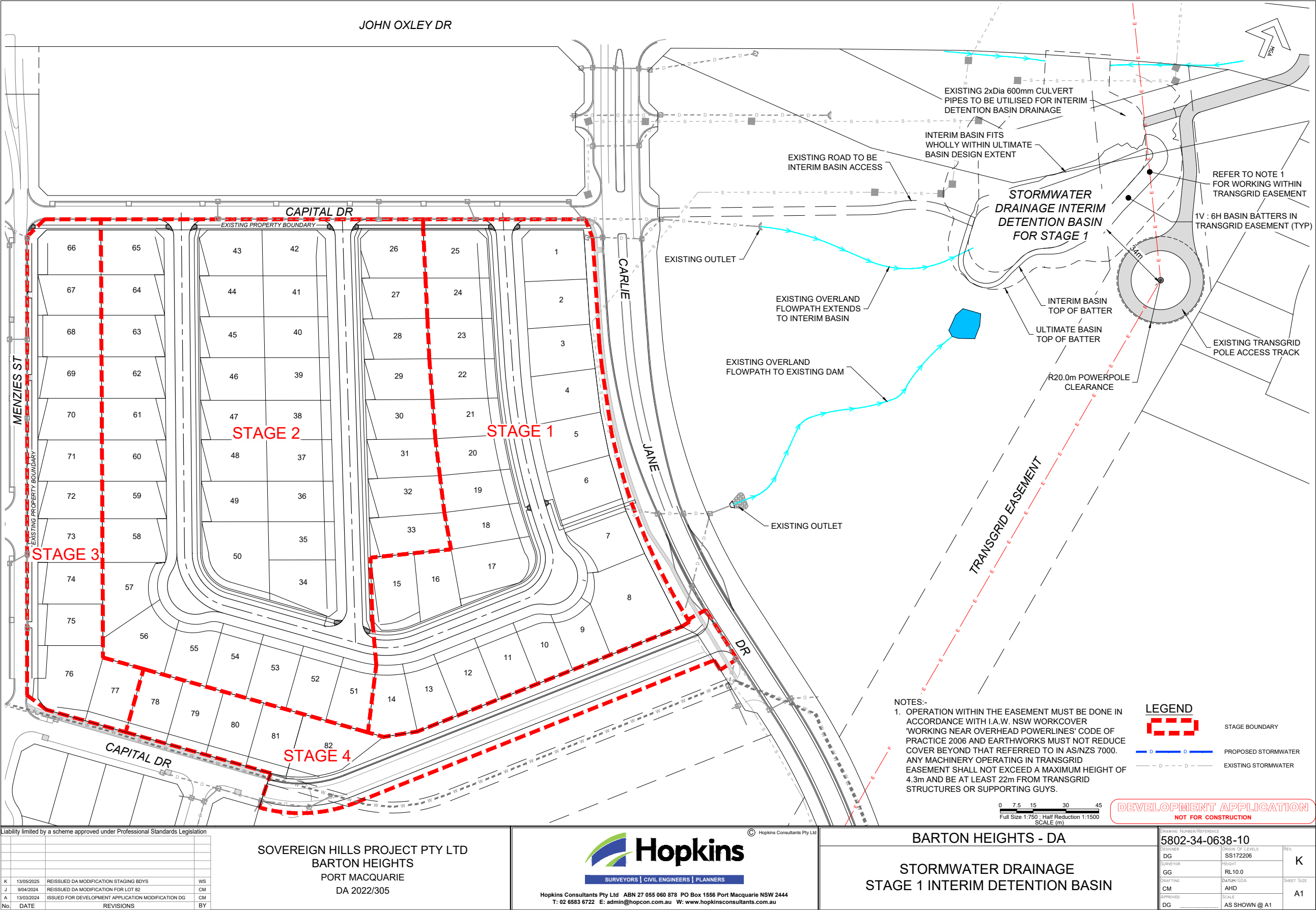
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SURVEYOR GG	HEIGHT RL10.0	
DRAFTING CM	DATUM/GDA AHD	SHEET SIZE A1
APPROVED DG	SCALE AS SHOWN @ A1	













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Item: 06

Subject: **DA2025 - 45.1 Ancillary Structures Associated with Club at Lot 1 DP 854932, No. 1 Woodford Road, North Haven**

Report Author Development Assessment Planner, Chris Gardiner

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<b>Applicant:</b>	<b>North Haven Bowling and Recreation Club Ltd</b>
<b>Owner:</b>	<b>North Haven Bowling Club</b>
<b>Estimated Cost:</b>	<b>\$1,070,000</b>
<b>Parcel no:</b>	<b>28595</b>

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#### **Alignment with Delivery Program**

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

#### **Recommendation**

**That DA2025 - 45.1 for Ancillary Structures Associated with Club at Lot 1, DP 854932, No. 1 Woodford Road, North Haven, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for ancillary structures associated with the North Haven Bowling Club at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 4 submissions were received.

The proposal has been amended through the assessment process in response to submissions and the staff assessment, including deletion of maintenance and generator buildings deletion of a screen wall from the covered walkway and amendments to the proposed drop off and pick up area.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the attached conditions (Attachment 1).

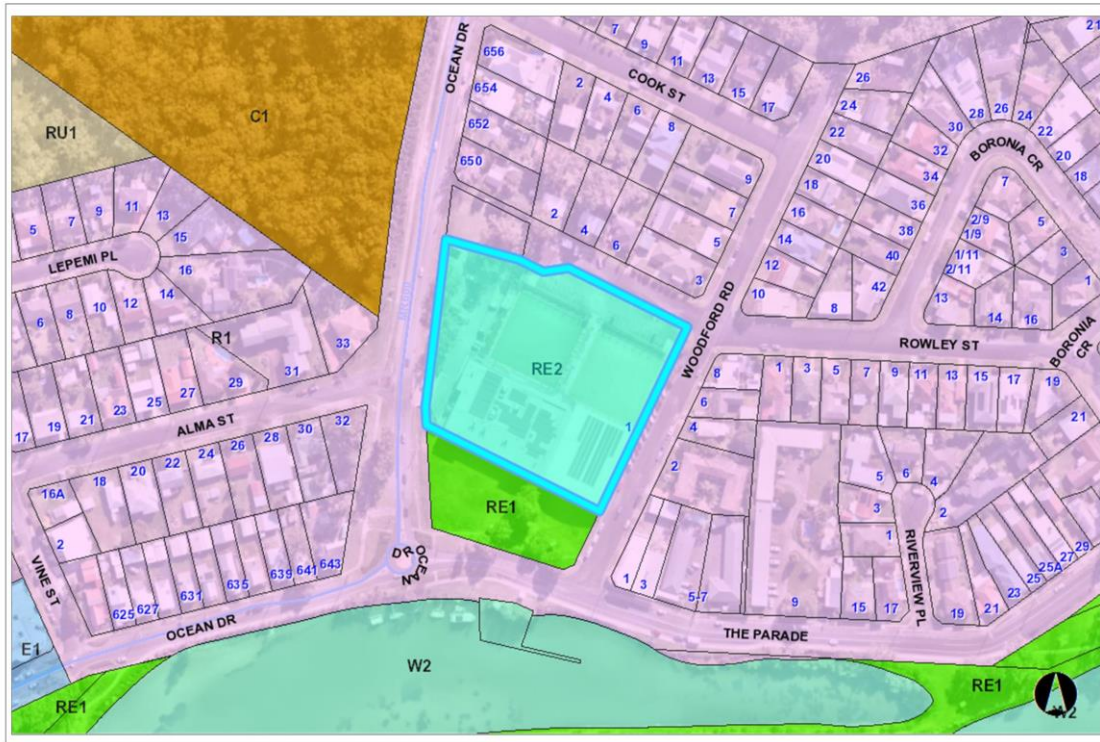
The reason for the application being referred to Council's Development Assessment Panel (DAP) is because three (3) or more objections to the proposal have been received. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

## 1. Background

### Existing Sites Features and Surrounding Development

The site has an area of 12060m<sup>2</sup>.

The site is zoned RE2 Private Recreation in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



## 2. Description of Development

Key aspects of the proposal include the following:

- Construction of 2 walkway covers on the northern side of the club building adjacent to the main entry.
- Construction of a covered walkway between the club building and the northern car park.
- Covered drop off and pick up area in the northern car park.
- Relocation of a flagpole and lighting.

Refer to plans of the proposed development at the end of this report (Attachment 2).

### Application Chronology

- 28 February 2025 - Application accepted for lodgement.
- 11 March 2025 - Essential Energy comments received.
- 17 March 2025 to 30 March 2025 - Neighbour notification.
- 21 March 2025 - Amended plans received.
- 4 April 2025 - Additional information requested from Applicant.
- 14 May 2025 - Additional information provided by Applicant.
- 26 May 2025 - Further additional information requested from Applicant.



- 30 July 2025 - Further additional information and amended plans provided by Applicant.
- 6 August 2025 to 19 August 2025 - Proposal re-notified to neighbours with amended plans and additional information.

### 3. Statutory Assessment

#### Section 4.15(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

**(a) The provisions (where applicable) of:**

**(i) Any Environmental Planning Instrument**

**State Environmental Planning Policy (Biodiversity and Conservation) 2021  
Chapter 4 Koala Habitat Protection 2021**

Clause 4.4 - This SEPP applies to all non-rural zoned land within the Port Macquarie-Hastings Local Government Area.

Clause 4.9 - The property is over 1ha in area and does not have a KPOM in place.

Before consent is granted, Council is required to assess whether the development is likely to have any impact on koalas or koala habitat.

In accordance with Clause 4.9(3), Council is satisfied that the development is likely to have low or no impact on koalas or koala habitat for the following reasons:

1. The location of the proposed awnings is over existing pathways and part of the parking area within the existing footprint of the club.
2. No koala food trees would be impacted by the development.

Based on the above, consent to the development application on koala habitat grounds is supported.

**State Environmental Planning Policy (Resilience and Hazards) 2021  
Chapter 2 Coastal Management**

Clause 2.5 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Clauses 2.10 and 2.11 - The site is located within a coastal use area and coastal environment area. The proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on Aboriginal cultural heritage, practices and places;
- e) any adverse impacts on the cultural and built environment heritage;
- f) any adverse impacts the use of the surf zone;

- g) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- h) overshadowing, wind funnelling and the loss of views from public places to foreshores; and
- i) any adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is predominately cleared and located within an area zoned for private recreational purposes.

Clause 2.12 - The proposal is not likely to cause increased risk of coastal hazards on the land or other land.

#### Chapter 4 Remediation of Land

Clause 4.6 - Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

#### State Environmental Planning Policy (Sustainable Buildings) 2022

Provision	Comment
<b>Chapter 3 - Standards for non-residential development</b>	
<b>3.1 Application of Chapter</b> (1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves— (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.  (2) This Chapter does not apply to the following development— (a) development that is permitted with or without consent or that is exempt or complying development under— (i) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or (ii) State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2, or (iii) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5, (b) development on land wholly in any of the following zones—	The proposal does not exceed the relevant threshold and this Chapter does not apply.

<p>(i) Zones RU1, RU2 or RU3, (ii) Zone E5, (iii) Zone IN3, (iv) Zones C1, C2 or C3, (v) Zones W1, W2, W3 or W4, (c) development for the purposes of residential care facilities.</p> <p>(3) To avoid doubt, this Chapter does not apply to development to which Chapter 2 applies.</p>	
<p><b>3.2 Development consent for non-residential development</b> (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following— (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials, (b) a reduction in peak demand for electricity, including through the use of energy efficient technology, (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design, (d) the generation and storage of renewable energy, (e) the metering and monitoring of energy consumption, (f) the minimisation of the consumption of potable water.</p>	<p>N/A</p>
<p>(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. (Baseline standards to be published by the Department on the NSW Planning Portal before 1 October 2023).</p>	<p>N/A</p>
<p><b>3.3 Other considerations for large commercial development</b> (1) In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero</p>	<p>N/A</p>

emissions in New South Wales by 2050.	
(2) Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.	N/A
(3) For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.	N/A

### State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 - The application has been referred to Essential Energy in accordance with this clause. Essential Energy have no specific concerns regarding the development, but have provided some general advice. The advice received from Essential Energy has been forwarded the Applicant for consideration.

Clause 2.118 - The site has frontage to a classified road (Ocean Drive). The proposal is for covered areas over existing walkways and would not result in any increase in the floor area of the club. The development is therefore not anticipated to result in any changes to the volume or type of vehicles accessing the site that would adversely affect the safety or efficiency of the classified road. The alterations to the parking area for the proposed covered drop off area are accessed off Rowley Street and would not impact the classified road.

### State Environmental Planning Policy (Primary Production) 2021

Part 2.5 Division 4 - The proposed development will create no adverse impact on any oyster aquaculture development or priority oyster aquaculture area.

### Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is zoned RE2 Private Recreation.
- Clause 2.3(1) and the RE2 zone land use table - The covered walkways for a registered club are a permissible land use with consent.

The objectives of the R1 zone are as follows:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives as the development will contribute to the functionality of the bowling club.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 7.1m which complies with the standard height limit of 8.5m applying to the site.



- Clause 4.4 - The proposed structures are not enclosed and would not add any additional GFA to the site.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 5.21 - Part of the site is mapped as being within a “flood planning area” (see map extract below). The proposed covered walkways are located on the part of the site that is outside the flood planning area.



The following comments are provided which incorporate consideration of the objectives of Clause 5.21, Council's Flood Policy 2018, the NSW Government's *Considering Flooding in Land Use Planning Guideline 2021* and the NSW Government's *Floodplain Development Manual* (2005):

- The proposal is sufficiently compatible with the flood function and behaviour on the land.
- The proposal will not result in any significant adverse effects on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties.
- The proposal will not result in any adverse effects on the safe occupation and efficient evacuation of people along existing evacuation routes for the surrounding area.
- The proposal incorporates sufficient measures to minimise and manage the flood risk to life and property associated with the use of land.
- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- The proposal will not result in any identifiable adverse impacts to flood behaviour as a result of projected climate change.

- The intended design and scale of the buildings of the proposal is sufficiently compatible with the flooding risk on the property.
- It is not considered necessary to alter, modify, or demolition any existing buildings to respond to the flooding risk within the locality.
- Clause 7.1 - The site is mapped as potentially containing class 4 acid sulfate soils. The proposal does not include excavation more than 2m below natural ground level and an acid sulfate soils management plan is not required.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

**(ii) Any draft instruments that apply to the site or are on exhibition**

No draft instruments apply to the site.

**(iii) Any Development Control Plan in force**

**Port Macquarie-Hastings Development Control Plan 2013**

<b>DCP 2013: Part B - General Provisions - B2: Environmental Management</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Proposed covered walkways would not impact the existing operational waste management arrangements. Standard condition recommended for management of construction waste.	Yes
<b>Cut and Fill Regrading</b>			
4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	No cut or fill proposed.	N/A

<b>DCP 2013: Part B - General Provision - B3: Hazards Management</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>Bushfire Hazard Management</b>			
18	a) APZs are to be located outside of environmental protection zones and wholly	No APZ proposed in environmental zones.	Yes

	provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.		
	b) Perimeter roads are to be provided to all urban areas adjoining environmental management areas and their buffers. Refer to Figure 2.	N/A	N/A
<b>Flooding</b>			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	The proposal is consistent with the Flood Policy as noted under Clause 5.21 of the LEP. The proposed covered walkway are located outside the flood planning area.	Yes

**DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking**

DCP Objective	Development Provisions	Proposed	Complies
<b>Parking Provision</b>			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>Bowling Club - 21 per green + restaurant + pub requirements.</p> <p>Pubs - 1 per 6m<sup>2</sup> serviced floor area (including beer garden) + 1 per 2 employees.</p> <p>Restaurants outside commercial zones - 1 per 6m<sup>2</sup> serviced floor area.</p>	<p>The parking assessment indicates that the existing club includes 960m<sup>2</sup> of bar area, 145m<sup>2</sup> of bistro area, and 3 bowling greens. The Statement of Environmental Effects indicates that the club has approximately 40 full time equivalent employees.</p> <p>This would equate to a parking demand of 267 spaces.</p> <p>A previous traffic assessment for DA2016 - 293 (additions to club) assumed that the peak parking demand would</p>	Acceptable on merit.

		<p>be 99 spaces following the additions.</p> <p>The site currently has a total of 108 parking spaces, which would not satisfy the DCP parking rates, but exceeds the peak parking demand determined for the previous development consent for the site.</p> <p>The proposal would not create any demand for additional parking as the development is for the purpose of providing weather protection to existing walkways. The development has been amended to ensure that there is no loss of existing parking spaces for the covered drop off and pick up area.</p> <p>The existing parking is therefore considered acceptable for the development.</p>	
	b) Where a proposed development does not fall within any of the listed definitions, the provision of on-site parking shall be supported by a parking demand study.	The proposal fits within the listed definitions, but has been supported by a parking demand study in any case.	Yes.
	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	N/A	N/A
25	a) A development proposal to alter, enlarge, convert or redevelop an existing building, whether or not demolition is involved, shall provide the total number of parking spaces calculated from the schedule for the proposed use, subject to a credit for any existing deficiency, including any contributions previously	No parking credit.	N/A

	accepted in lieu of parking provision.		
<b>DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>Social Impact Assessment</b>			
42	a) A social impact assessment shall be submitted in accordance with the Council's Social Impact Assessment Policy.	Not required under Council's Policy.	N/A
<b>Crime Prevention</b>			
43	a) The development addresses the generic principles of crime prevention: <ul style="list-style-type: none"> <li>- Casual surveillance and sightlines;</li> <li>- Land use mix and activity generators;</li> <li>- Definition of use and ownership;</li> <li>- Basic exterior building design;</li> <li>- Lighting;</li> <li>- Way-finding; and</li> <li>- Predictable routes and entrapment locations;</li> <li>- as described in the Crime Prevention Through Environmental Design (CPTED) principles.</li> </ul>	The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. Adequate casual surveillance is available.	Yes

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

**(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

No planning agreement has been offered or entered into relating to the site.

**(iv) Any matters prescribed by the Regulations**

No matters prescribed by the Regulations are applicable to the proposal.

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality**

**Context and Setting**

The site is an existing bowling club and is bounded by Ocean Drive to the west, Woodford Road to the east, and Rowley Street to the north. Vehicular access to the site's parking areas is available from both Ocean Drive and Rowley Street. Nearby land uses in the locality are generally residential in nature, with the only other commercial use being a café located on the corner of The Parade and Woodford Road.

The proposal is considered to be compatible with other development in the locality and adequately addresses planning controls for the area.

**Access, Traffic and Transport**

The proposal will not have any significant adverse impacts in terms of access, transport and traffic. The existing road network will satisfactorily cater for traffic associated with the development.

**Parking**

The proposed development will retain all existing parking spaces and proposes to formalise 2 undercover drop off and pick up spaces. Appropriate pavement markings and/or signage is recommended to confirm the use of this space.

**Water Supply Connection**

The site has an existing water supply connection. The proposed development would not impact on water supply infrastructure.

**Sewer Connection**

The site has an existing sewer connection. The proposed development would not impact on sewer infrastructure.

**Stormwater**

The site naturally grades towards the south and is currently serviced via a piped interallotment drainage system running through the car park on the western side of the club building and discharging to the Camden Haven River on the southern side of The Parade.

The proposed covered walkways are located over existing concrete paths and wouldn't create any additional impervious area on the site. The covered walkways are capable of draining to the existing interallotment drainage system.

A detailed site stormwater management plan will be required to be submitted for assessment with the Section 68 application and prior to the issue of a Construction Certificate. Appropriate conditions are recommended in this regard.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

No known items of Aboriginal or European heritage significance exist on the property. The proposed works are in previously disturbed areas where walkways and parking areas have been constructed. No relics are anticipated to remain on the site.

**Other land resources**

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

**Water cycle**



The proposed development will not have any significant adverse impacts on water resources and the water cycle.

### **Soils**

The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

### **Air and microclimate**

The construction and/or operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

### **Flora and fauna**

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

### **Waste**

Proposed covered walkways would not impact the existing operational waste management arrangements. Standard condition recommended for management of construction waste.

### **Energy**

No adverse impacts anticipated.

### **Lighting**

The Applicant has confirmed that the relocated light poles and any lighting of the covered walkways will be designed to comply with AS4282 *Control of the obtrusive effects of outdoor lighting*. A condition is recommended confirming this requirement.

### **Noise and vibration**

The proposal is to provide weather protection to existing walkways and would not alter any of the operational aspects of the club that would result in additional noise impacts.

A standard precautionary site management condition is recommended for construction activities.

### **Bushfire**

The site is identified as being bushfire prone.

A Bushfire Hazard Assessment prepared by David Pensini Building Certification and Environmental Services has been submitted with the application. The report confirms that the development will satisfy the requirements of Planning for Bush Fire Protection 2019, subject to the following recommendations:

- Management of the site as an Inner Protection Area.
- An updated Emergency Evacuation Plan is to be prepared for the club that incorporates bushfire evacuation.
- Adopt the landscape principles in Appendix 4 of Planning for Bush Fire Protection 2019 for all new landscaping.
- Covered walkway structure No. 1 and No. 2 (on the northern elevation of the Club building) shall be constructed to BAL-12.5.



Appropriate conditions are recommended to ensure the implementation of these requirements.

### **Safety, security and crime prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. Adequate casual surveillance is available.

### **Social impacts in the locality**

Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts.

### **Economic impact in the locality**

The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

### **Site design and internal design**

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

### **Construction**

Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.

### **Cumulative impacts**

The proposed development is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

### **View Sharing**

The public notification of the proposal identified concerns regarding loss of views for residents of Woodford Road looking across the bowling greens to vegetation on the western side of Ocean Drive.

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

NSW Land and Environment Court case law, in particular the case *Tenacity Consulting v Warringah 2004 NSW LEC 140*, sets an established 'planning principle' to provide an assessment methodology as to what constitutes view sharing and a stepped approach to identifying whether reasonable view sharing is maintained or achieved. The following four (4) steps are of relevance and assessment comments are provided in regard to potential view impacts to the neighbouring properties.

### **Step 1 Assessment of views to be affected**

*Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

**Comments:** The view that would be affected by the development is a view across the bowling greens to a vegetated backdrop on the western side of Ocean Drive (see below).



The view does not contain any iconic features or water.

**Step 2 Consider from what part of the property the views are obtained**

*For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

**Comments:** The views are obtained across a front boundary from living room windows and balconies of several units at 2 Woodford Road. Views are obtained from both sitting and standing positions.

**Step 3 Assess the extent of the impact**

*This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

**Comments:** One of the submitters provided the below image showing the indicative extent of view loss that they believe would be experienced as a result of the development.



This was based upon an earlier design, which included a screen wall running the length of the north-south covered walkway. The design has since been amended to removed the screen wall, which would retain some additional views below the roofline through the open sides of the structure.

It is noted that many of the residents also enjoy views of North Brother and the Camden Haven River to the south-west that will not be impacted by the proposal.



Overall, the impact of the proposed development on existing views is considered to be minor.

**Step 4 Assess the reasonableness of the proposal that is causing the impact**

*A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the*



*applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

**Comments:** The proposal complies with the relevant planning controls. The design has been amended during the assessment process to remove a screen wall originally proposed for the north-south covered walkway. This design amendment has reduced the extent of view loss.

The proposal and the view sharing are therefore considered to be reasonable.

### (c) The suitability of the site for the development

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

### (d) Any submissions made in accordance with this Act or the Regulations

Four (4) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

Key issues raised in the submissions received and comments are provided as follows:

Submission Issue/Summary	Planning Comment/Response
The Statement of Environmental Effects does not include any details of the proposed maintenance shed and the type of activities that would be carried out in this building. Noting the location near the street frontage, there are concerns about noise impacts from this building.	The maintenance shed originally proposed has been deleted from the application.
There is a generator shed noted on the plans within an existing building. The application doesn't provide any assessment of noise impacts or mitigation measures for this building.	The generator shed originally proposed has been deleted from the application.
The plans are numbered "1 of 5" suggesting that there are 5 individual plans available for review however, there appears to be only 4 plans available from the DA notification website. If one of the plans is missing from the notification this should be sent out or the application renotified.	Only 4 plans were submitted with the application. The plan set has been amended to confirm that there are only 4 sheets.
The maintenance shed should be located further away from Woodford Road.	The maintenance shed originally proposed has been deleted from the application.
Adverse streetscape impacts from the maintenance shed near the street frontage.	The maintenance shed originally proposed has been deleted from the application.
The timber vegetated screens and walkway roof will obstruct existing	See comments under View Sharing earlier in this report.

Submission Issue/Summary	Planning Comment/Response
views of the tree canopy for residents in Woodford Road.	
Storage of chemicals in maintenance shed, which is located close to residential uses.	The maintenance shed originally proposed has been deleted from the application.
Maintenance shed location would reduce sight distance at the intersection of Rowley Street and Woodford Road.	The maintenance shed originally proposed has been deleted from the application.
Adverse impacts of outdoor lighting under the proposed covered walkway.	The Applicant has confirmed that the relocated light poles and any lighting of the covered walkways will be designed to comply with AS4282 <i>Control of the obtrusive effects of outdoor lighting</i> . A condition is recommended confirming this requirement.
The development will result in an increase in traffic and patron noise. The covered walkways will encourage patrons to gather in these areas.	The proposed covered walkways will improve amenity for patrons, but are not expected to result in increased patron numbers or traffic volumes. The proposal will provide covered access from both the western and northern parking areas and is unlikely to result in additional patrons favouring the northern parking area.
There are already not enough parking spaces to service the club and vehicles currently park in Rowley Street in front of the residential properties. Removing car spaces for the drop off area will make this worse.	The proposal has been amended to retain all existing parking spaces.
There is no separation between pedestrian and vehicle movement areas in the parking area off Rowley Street.	This is an existing situation that will not be exacerbated by the proposed development.
The existing stormwater system is not coping with current water volumes. The plans suggest that the downpipes for the covered walkway will connect to the existing system.	The proposed covered walkways are located over concrete pathways that currently drain to the existing stormwater system. The proposed roofed structures would not result in any increase in impervious areas draining to the system. Detailed stormwater plans will be required with the Section 68 application. If necessary, detention can be incorporated into the design.
The covered walkway will obstruct views/outlook of the vegetation and sunsets to the west for residents in Woodford Road.	See comments under View Sharing earlier in this report.
The roofing will be highly reflective and impact the amenity of nearby residents.	There are no relevant planning controls for roof materials in this area.
The proposed screens will have fake timber and fake greenery, which is unnatural and won't be durable.	The screens included in the original proposal have been deleted in the amended plans.

Submission Issue/Summary	Planning Comment/Response
The semi-enclosed walkway and seating area will be a heat trap.	The plans have been amended to replace the clear roofing originally proposed with Colorbond for improved shading. The screen has also been deleted to improve air flow through the covered area.
Rain this close to the coast usually comes with force and at an angle. The open sided structure would only provide partial weather protection for members and guests.	Noted. This is an operational decision for the Club. The planning controls do not require full weather protection to walkways.
The plans don't demonstrate that the drop off area has adequate turning space for vehicles.	The drop off area has been amended to operate as two 90 degree spaces with adequate aisle width.
The proposal does not adequately address the objectives of the RE2 zone.	<p>The objectives of the RE2 zone in the LEP are:</p> <ul style="list-style-type: none"> <li>• To enable land to be used for private open space or recreational purposes.</li> <li>• To provide a range of recreational settings and activities and compatible land uses.</li> <li>• To protect and enhance the natural environment for recreational purposes.</li> </ul> <p>The first objective is aimed at allowing land to be used for private open space or recreational purposes. The Land Use Table for the zone permits a range of indoor recreational uses and it is clear that the zone is not intended to restrict uses to outdoor open space without buildings.</p> <p>In this case the proposed works are over existing concrete walkways and there is no scope to enhance the natural environment for recreational purposes. The proposal is consistent with the objective in that it would protect the small amount of natural environment that has been retained on the site.</p>

#### (e) The Public Interest

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

#### Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,

- 
- intergenerational equity,
  - conservation of biological diversity and ecological integrity,
  - improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

### **Climate change**

A climate change allowance is included in the relevant flood planning levels for the site.

#### **4. Development Contributions Applicable**

- Development contributions will be required in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 towards the provision, extension or augmentation of public amenities or public services.
- A copy of the contributions estimate is included as Attachment 3.

#### **5. Conclusion and Statement of Reason**

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report. Overall, the proposed development is consistent with the provisions and objectives of the relevant planning controls and will have an acceptable impact on the surrounding natural and built environment. Approval of the application is considered to be in the public interest as it achieves the LEP objectives for development in the zone. No significant adverse environmental, social or economic impacts on the locality have been identified. Accordingly, the proposal is considered to be in the public interest.

### **Attachments**

1 [!\[\]\(626ce8ac21792b9405bfddfea8e0c96a\_img.jpg\)](#) Attachment 1 - Recommended Conditions

2 [!\[\]\(a8f9309f944226d1420f5fed22e2b6e6\_img.jpg\)](#) Attachment 2 - Plans

3 [!\[\]\(248b91fcdac4810ffd15cf33fb6aec6f\_img.jpg\)](#) Attachment 3 - Contribution Estimate



## PROPOSED CONDITIONS

### GENERAL CONDITIONS

Condition

1.

A001 - Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
2023-042 Sheet 1 - 4	A-15	Architectural Plans	Neil Ryan	July 2025

Approved documents

Document title	Version number	Prepared by	Date of document
Bushfire Hazard Assessment	3.0	David Pensini Building Certification and Environmental Services	30 April 2025

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2.

A002 - Certificates

The following certificates relevant to the development in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 shall be obtained at the respective stages:

• Construction Certificate;

• Occupation Certificate

Condition Reason: To ensure that appropriate building and subdivision certification is obtained.

3.

A004 - Shoring and adequacy of adjoining property

1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.

2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense -

a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

3. This section does not apply if -

	<p>a. the person having the benefit of the development consent owns the adjoining land, or</p> <p>b. the owner of the adjoining land gives written consent to the condition not applying.</p> <p><b>Condition Reason:</b> Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
4.	<p><b>A005 - Erection of signs</b></p> <ol style="list-style-type: none"> <li>This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -             <ol style="list-style-type: none"> <li>showing the name, address and telephone number of the principal certifier for the work, and</li> <li>showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</li> <li>stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> <li>The sign must be -             <ol style="list-style-type: none"> <li>maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>removed when the work has been completed.</li> </ol> </li> <li>This section does not apply in relation to -             <ol style="list-style-type: none"> <li>building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</li> <li>Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.</li> </ol> </li> </ol> <p><b>Condition Reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
5.	<p><b>A009 - Construction site management</b></p> <p>The development site is to be managed for the entirety of work in the following manner:</p> <ol style="list-style-type: none"> <li>Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;</li> <li>Appropriate dust control measures;</li> <li>Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;</li> <li>Building waste is to be managed via appropriate receptacles into separate waste streams;</li> <li>Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</li> <li>Building work being limited to the following hours, unless otherwise permitted by Council;             <ul style="list-style-type: none"> <li>Monday to Saturday from 7.00am to 6.00pm</li> <li>No work to be carried out on Sunday or public holidays</li> </ul> <p>The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.</p> </li> <li>All works within proximity of electrical infrastructure shall be carried out in accordance with the requirements of the relevant electricity authority.</li> </ol>

	<b>Condition Reason:</b> To ensure that construction site is appropriately managed to prevent impacts to adjoining properties, the public domain and to ensure waste is disposed of in a practical and sustainable manner.
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### BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
1.	<p><b>B002 - Plumbing permit</b></p> <p>Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:</p> <ul style="list-style-type: none"> <li>• Position and depth of the sewer (including junction)</li> <li>• Stormwater drainage termination point</li> <li>• Easements</li> <li>• Water main</li> <li>• Proposed water meter location</li> </ul> <p><b>Condition Reason:</b> To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
2.	<p><b>B022 - Bushfire Attack Level</b></p> <p>Walkway Covering #1 and #2 shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifier with the application for Construction Certificate demonstrating compliance with this requirement.</p> <p>Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.</p> <p><b>Condition Reason:</b> To protect public safety and building assets.</p>
3.	<p><b>B011 - Section 7.12 contributions</b></p> <p>Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:</p> <ul style="list-style-type: none"> <li>• Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007</li> </ul> <p>The plan may be viewed on Council's website or during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.</p> <p>The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plan. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment</p>

	<p>application fee is to be submitted to Council.</p> <p><b>Condition Reason:</b> To ensure that appropriate infrastructure is provided to service the development and to ensure that the development positively contributes to public infrastructure networks.</p>
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#### BEFORE BUILDING WORK COMMENCES

Condition	
1.	<p><b>D005 - Construction hoarding fence</b></p> <p>Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.</p> <p><b>Condition Reason:</b> To protect public safety and the integrity of public infrastructure.</p>

#### DURING BUILDING WORK

Condition	
1.	<p><b>E003 - Copy of construction plans</b></p> <p>A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifier or an officer of the Council.</p> <p><b>Condition Reason:</b> To ensure that the development proceeds in accordance with the approved plans.</p>

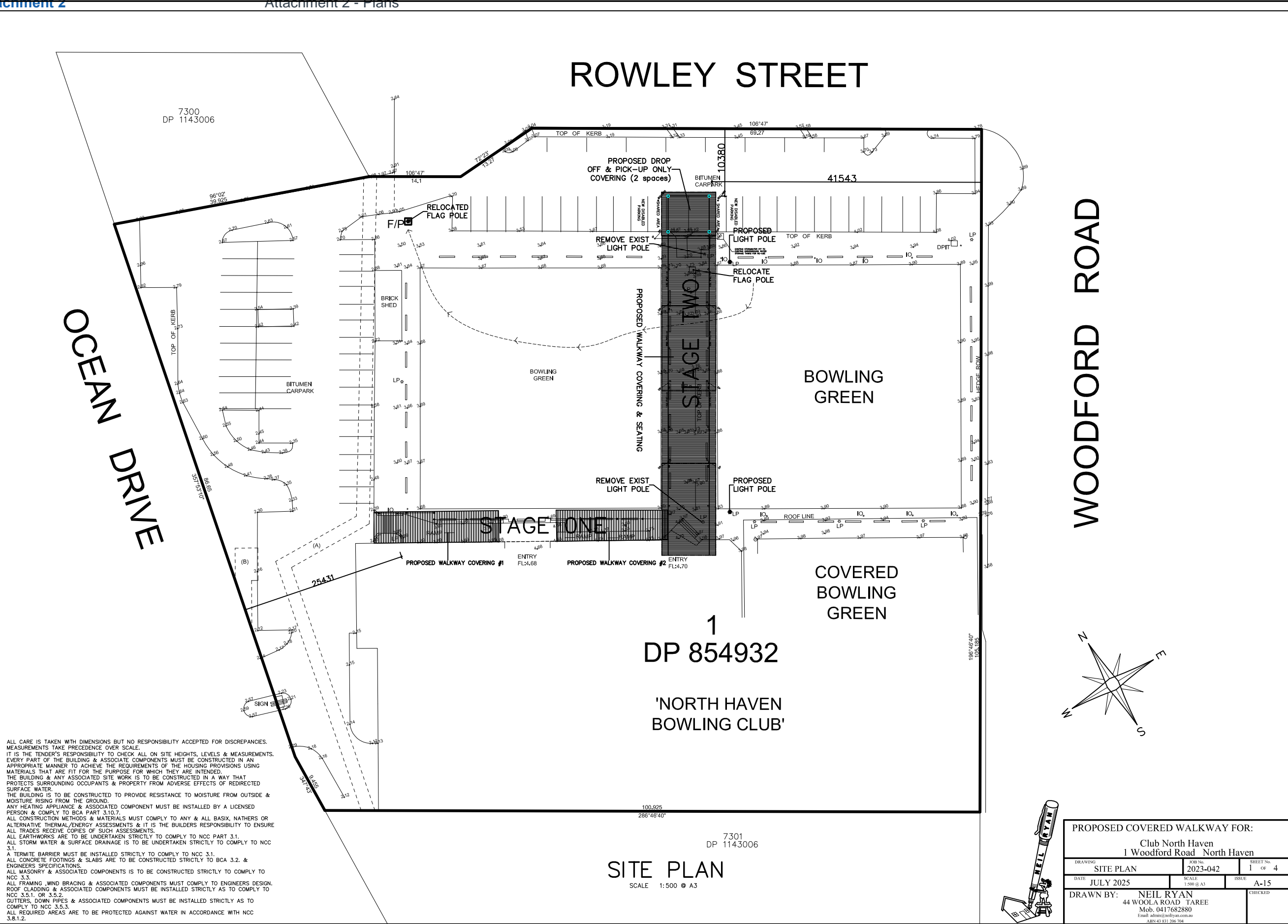
#### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
1.	<p><b>F001 - Bushfire risk measures installed</b></p> <p>Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment requirements are to be provided to the Principal Certifier.</p> <p><b>Condition Reason:</b> To protect public health and safety.</p>
2.	<p><b>F031 - Section 68 Certificate of Completion</b></p> <p>Prior to occupation or the issuing of any Occupation Certificate a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council for each S68 Approval related to this development.</p> <p><b>Condition Reason:</b> To ensure that appropriate infrastructure is provided to service the development.</p>
3.	<p><b>F019 - Parking signage</b></p> <p>Prior to the issue of the Occupation Certificate, appropriate pavement markings and/or signage shall be provided to clearly define the</p> <p><b>Condition Reason:</b> To ensure that the development provides for practical and safe accessibility/functionality.</p>

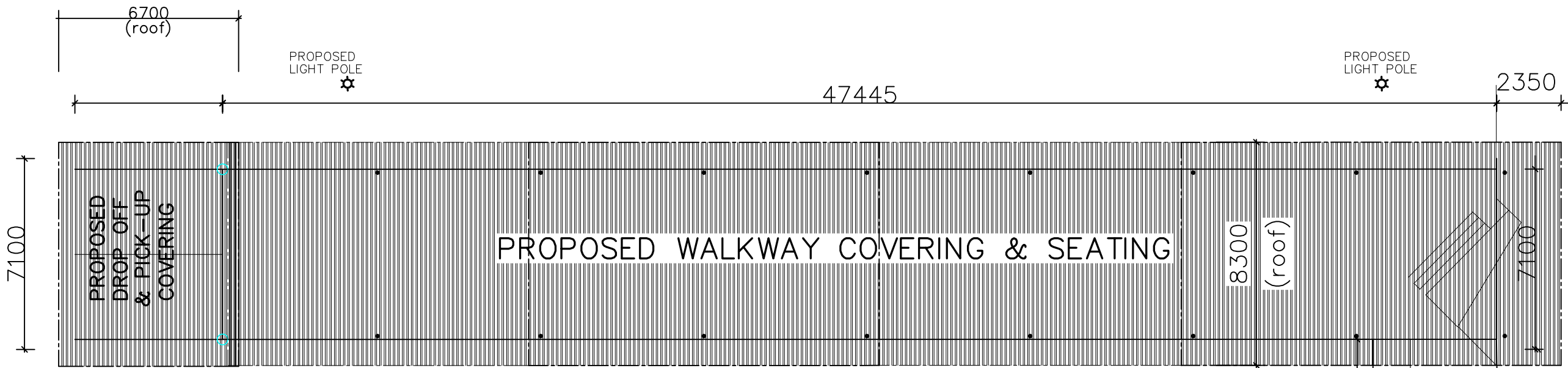
**OCCUPATION AND ONGOING USE**

Condition	
1.	<p><b>G005 - Exterior lighting installation</b></p> <p>Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.</p> <p><b>Condition Reason:</b> To ensure that the development does not result in unacceptable lighting impacts.</p>

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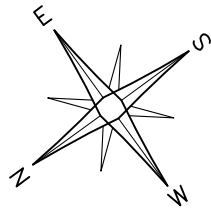






FLOOR/ROOF PLAN

SCALE 1:150 @ A3



ALL CARE IS TAKEN WITH DIMENSIONS BUT NO RESPONSIBILITY ACCEPTED FOR DISCREPANCIES. MEASUREMENTS TAKE PRECEDENCE OVER SCALE.

IT IS THE TENDER'S RESPONSIBILITY TO CHECK ALL ON SITE HEIGHTS, LEVELS & MEASUREMENTS. EVERY PART OF THE BUILDING & ASSOCIATE COMPONENTS MUST BE CONSTRUCTED IN AN APPROPRIATE MANNER TO ACHIEVE THE REQUIREMENTS OF THE HOUSING PROVISIONS USING MATERIALS THAT ARE FIT FOR THE PURPOSE FOR WHICH THEY ARE INTENDED.

THE BUILDING & ANY ASSOCIATED SITE WORK IS TO BE CONSTRUCTED IN A WAY THAT PROTECTS SURROUNDING OCCUPANTS & PROPERTY FROM ADVERSE EFFECTS OF REDIRECTED SURFACE WATER.

THE BUILDING IS TO BE CONSTRUCTED TO PROVIDE RESISTANCE TO MOISTURE FROM OUTSIDE & MOISTURE RISING FROM THE GROUND.

ANY HEATING APPLIANCE & ASSOCIATED COMPONENT MUST BE INSTALLED BY A LICENSED PERSON & COMPLY TO BCA PART 3.10.7.

ALL CONSTRUCTION METHODS & MATERIALS MUST COMPLY TO ANY & ALL BASIX, NATHERS OR ALTERNATIVE THERMAL/ENERGY ASSESSMENTS & IT IS THE BUILDERS RESPONSIBILITY TO ENSURE ALL TRADES RECEIVE COPIES OF SUCH ASSESSMENTS.

ALL EARTHWORKS ARE TO BE UNDERTAKEN STRICTLY TO COMPLY TO NCC PART 3.1.

ALL STORM WATER & SURFACE DRAINAGE IS TO BE UNDERTAKEN STRICTLY TO COMPLY TO NCC 3.1.

A TERMITE BARRIER MUST BE INSTALLED STRICTLY TO COMPLY TO NCC 3.1.

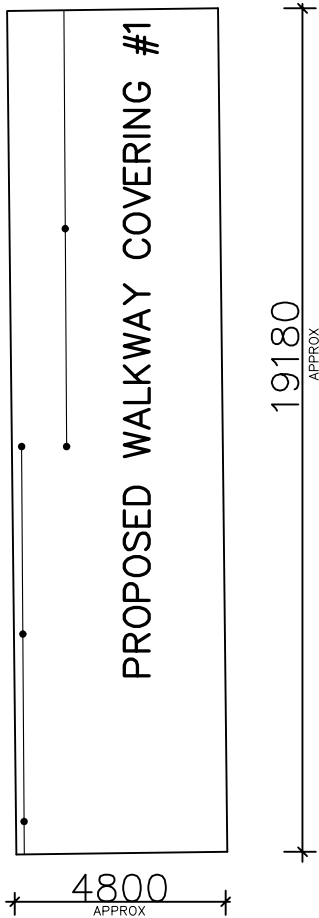
ALL CONCRETE FOOTINGS & SLABS ARE TO BE CONSTRUCTED STRICTLY TO BCA 3.2. & ENGINEERS SPECIFICATIONS.

ALL MASONRY & ASSOCIATED COMPONENTS IS TO BE CONSTRUCTED STRICTLY TO COMPLY TO NCC 3.3.

ALL FRAMING ,WIND BRACING & ASSOCIATED COMPONENTS MUST COMPLY TO ENGINEERS DESIGN. ROOF CLADDING & ASSOCIATED COMPONENTS MUST BE INSTALLED STRICTLY AS TO COMPLY TO NCC 3.5.1. OR 3.5.2.

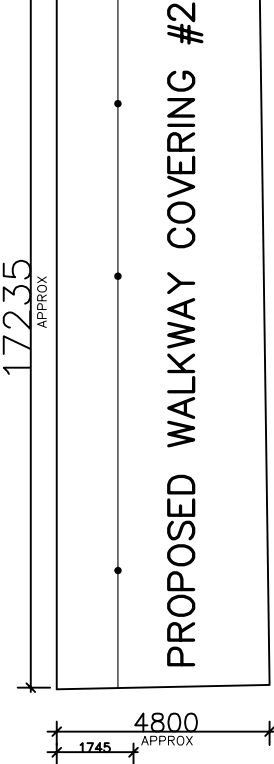
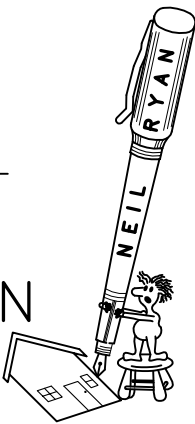
GUTTERS, DOWN PIPES & ASSOCIATED COMPONENTS MUST BE INSTALLED STRICTLY AS TO COMPLY TO NCC 3.5.3.

ALL REQUIRED AREAS ARE TO BE PROTECTED AGAINST WATER IN ACCORDANCE WITH NCC 3.8.1.2.



FLOOR/ROOF PLAN

SCALE 1:150 @ A3



PROPOSED COVERED WALKWAY FOR:			
Club North Haven 1 Woodford Road North Haven			
DRAWING FLOOR/ROOFING PLAN	JOB No. 2023-042	SHEET No. 2 OF 4	
DATE JULY 2025	SCALE 1:150 @ A3	ISSUE A-15	
DRAWN BY: NEIL RYAN 44 WOOLA ROAD TAREE Mob. 0417682880 Email: admin@neilryan.com.au ABN 43 831 206 704			CHECKED



Diagram of Proposed Walkway Covering #1. The overall dimensions are 4800 (width) and 19180 (length). The diagram shows a rectangular area with a central horizontal line and four vertical lines. Arrows point to the vertical lines, indicating the locations of the covers. The text "PROPOSED WALKWAY COVERING #1" is written vertically along the central line.

# FLOOR/ROOF PLAN

EDGE BEAM TO  
ENGINEER'S SPECIFICATIONS

## EDGE BEAM TO ENGINEER'S SPECIFICATIONS

## EDGE BEAM TO- ENGINEER'S SPECIFICATIONS

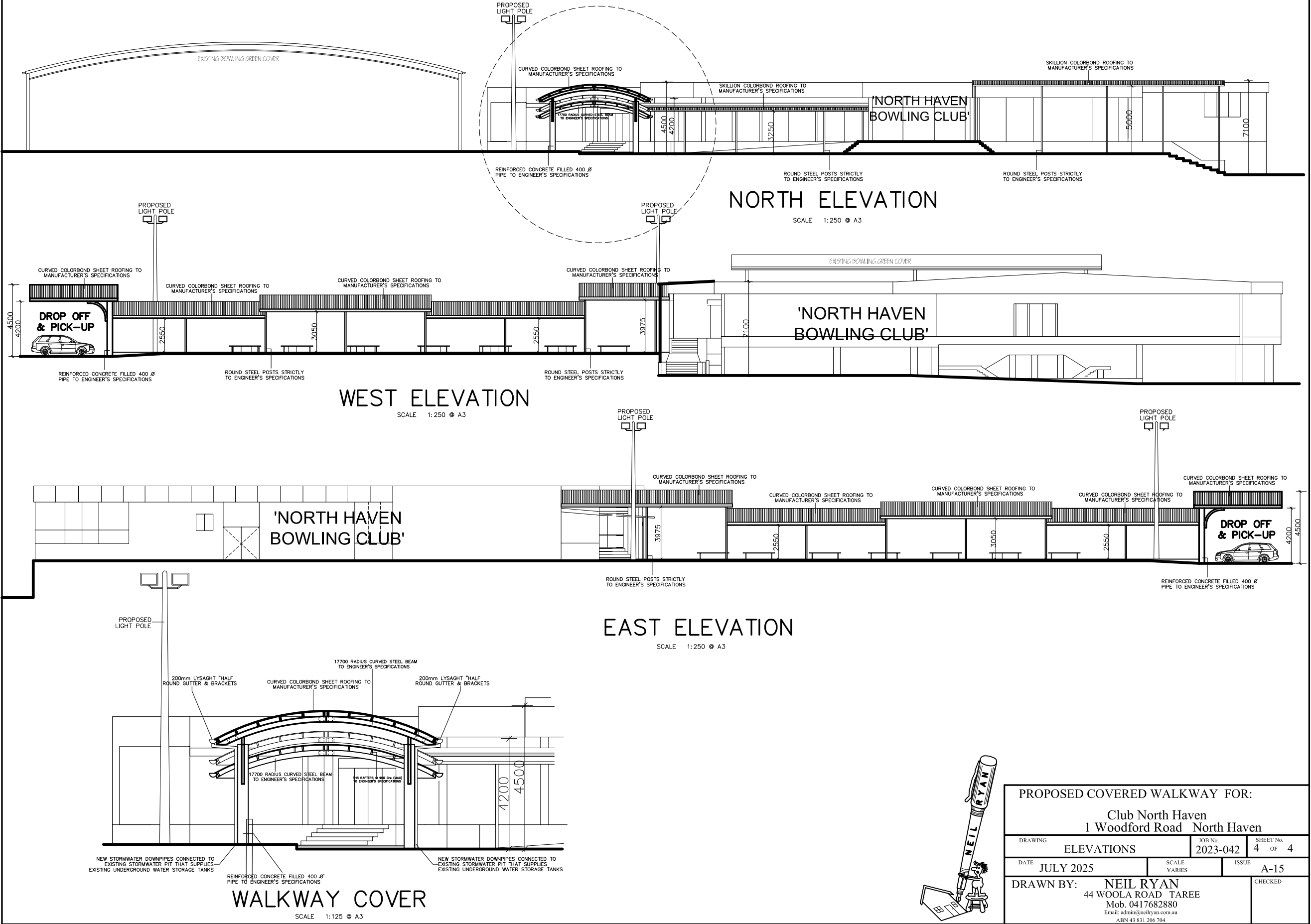
## PROPOSED WALKWAY COVERING #2

## DRAWING

DATE \_\_\_\_\_

**NEIL RYAN**  
44 WOOLA ROAD TAREE  
Mob. 0417682880  
Email: [admin@neilryan.com.au](mailto:admin@neilryan.com.au)  
ABN 43 831 206 704

CHECKED
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PROPOSED COVERED WALKWAY FOR:			
Club North Haven 1 Woodford Road North Haven			
DRAWING	JULY 2025	JOB No. 2023-042	SHEET No. 4 OF 4
ELEVATIONS		SCALE VARIES	ISSUE A-15
DRAWN BY: NEIL RYAN 44 WOOLA ROAD TAREE Mob. 0417682880 Email: admin@neilryan.com.au ABN 43 831 206 704			CHECKED

Developer Charges - Estimate

Applicants Name: North Haven Bowling & Recreation Club Ltd  
Property Address: 1 Woodford Road, North Haven  
Lot & Dp: Lot(s):1,DP(s):854932  
Development: Ancillary Structures Associated with Club



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000.  
Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 N/A	0	0	
2 N/A	0	0	
3 N/A			
4 N/A			
5 N/A			
6 N/A			
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 S94A Levy - Applicable to Consents approved after 2/12/07	1.00%	\$ 1,085,307	\$10,853.00
15 Admin General Levy - Applicable to Consents approved after 11/2/03	Contribution Not Applicable		
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$10,853.00

NOTES: These contribution rates apply to new development and should be used as a guide only.  
Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).  
DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.  
Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE: 25-Aug-2025  
Estimate Prepared By Tracy Sharp

This is an ESTIMATE ONLY - NOT for Payment Purposes

PORT MACQUARIE-HASTINGS COUNCIL