

01 October 2025

Development Assessment Panel

Business Paper

2:00 PM Wednesday

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

DEVELOPMENT ASSESSMENT PANEL SUB COMMITTEE CHARTER

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	18/06/25	16/07/25	6/08/25	20/08/25	03/09/25	17/09/25
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	✓	✓	✓	A	✓
Other attendees						
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	DA2024 - 227.1 General Industrial Units, Hardware and Building Supplies, and Warehouses at Lot 1 DP 607512, No. 26 Fernhill Road, Port Macquarie	<u>19</u>
06	DA2025 - 306.1 Alterations and Additions to Dwelling including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 2 DP 569792, No. 937 Ocean Drive, Bonny Hills	<u>87</u>
07	General Business.....	<u>9</u>

Agenda

Item: 01

Subject: Acknowledgement of Country

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."

Item: 02

Subject: Apologies

Recommendation

That the apologies received be accepted.

Item: 03

Subject: Confirmation of Minutes

Recommendation

That the Minutes of the Development Assessment Panel Meeting held on 17 September 2025 be confirmed.

Item: 04

Subject: Disclosure of Interest

Recommendation

That Disclosures of Interest be presented.



Minutes

17 September 2025

Development Assessment Panel

Members:

Chris Gee (Independent Member)

Murray Blackburn-Smith (Independent Member)

Dan Croft (Group Manager Development Services)

Other Attendees:

Grant Burge (Development Engineering Manager)

The meeting opened at 2.00pm.

01 Acknowledgement Of Country

The Acknowledgement of Country was delivered.

02 Apologies

That the apology received from David Crofts be accepted.

03 Confirmation Of Minutes

Consensus:

That the Minutes of the Development Assessment Panel Meeting held on 3 September 2025 be confirmed.

04 Disclosures Of Interest

There were no disclosures of interest presented.

05 DA2024 - 905.1 Change of Use from Business Premises to Food and Drink Premises at Lot 60 SP 72688 No. Shop 2/12-24 William Street PORT MACQUARIE 46080

Speakers:

Opposing the Application:

Wayne Evans

Michael Novak

Supporting the Application:

Danny Hanlan

Tracey Lee

Craig Lee

Applicants:

Paula Stone

David Pensini

Craig Nethery

Lou Perri

Consensus:

That DA2024 - 905.1 for a Change of use from Business Premises to Food and Drink Premises (Private Dining) at Lot 60 SP 72688, No. Shop 2 - 12-24 William Street, Port Macquarie, be deferred to enable the proponent an opportunity to respond to the concerns around whether appropriate owner's consent accompanies the development application, and that following receipt of this information, the matter be referred back to the next available Development Assessment Panel meeting.

06 General Business

Nil

The meeting closed at 3.20pm.

Agenda

Item: 05

Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(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 (ii)
 - (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.
- 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.

Agenda

- 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
 - 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

Agenda

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.

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
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.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <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.

¹ 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.

² 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

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.

¹ 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.

² 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

Item: 05
Subject: DA2024 - 227.1 General Industrial Units, Hardware and Building Supplies, and Warehouses at Lot 1 DP 607512, No. 26 Fernhill Road, Port Macquarie

Report Author Development Assessment Planner, Chris Gardiner

Applicant: Trade Aide Pty Ltd
Owner: Trade Aide Pty Ltd
Estimated Cost: \$13,432,995
Parcel no: 6472

Alignment with Delivery Program

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

Recommendation

That DA2024 - 227.1 for General Industrial Units, Hardware and Building Supplies, and Warehouses at Lot 1, DP 607512, No. 26 Fernhill Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for general industrial units, hardware and building supplies, and warehouses 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, eight (8) submissions from 3 separate property owners were received. These submissions are addressed in the following report.

Based on the assessment undertaken it is considered that the site is 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)

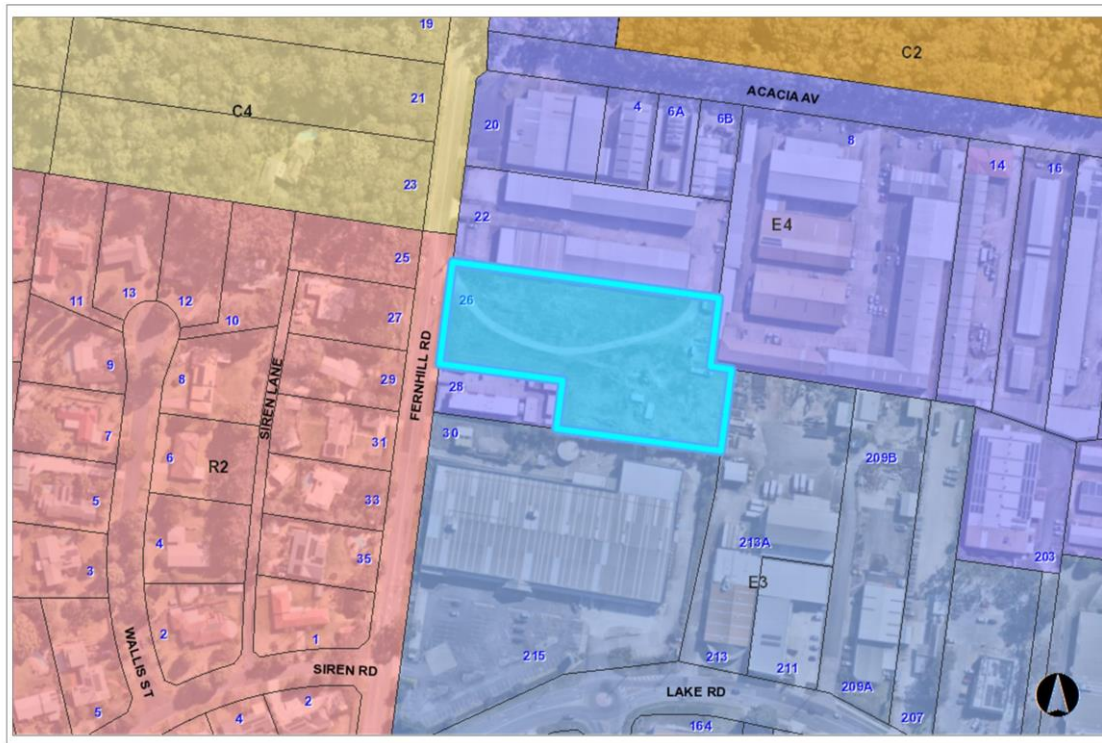
The reason for the application being referred to Council's Development Assessment Panel (DAP) is because three (3) or more objections to the proposal have been received. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

1. Background

Existing Sites Features and Surrounding Development

The site has an area of 9774m².

The site is zoned E4 General Industrial 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 an industrial complex containing 14 general industrial units, and 2 units proposed to be used for a combination of hardware and building supplies, general industry, and warehouse.
- A new access road and 79 off-street parking spaces.
- A directory style pylon sign.

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

Application Chronology

- 16 April 2024 - Application accepted for lodgement.
- 30 April 2024 to 13 May 2024 - Neighbour notification.
- 20 May 2024 - Essential Energy comment received.
- 5 June 2024 - Additional information requested from Applicant.
- 18 December 2024 - Additional information and amended plans submitted by Applicant.
- 2 January 2025 - Further additional information requested from the Applicant.
- 10 January 2025 to 23 January 2025 - Neighbour notification of amended plans.
- 13 January 2025 - Further additional information requested from the Applicant.
- 13 February 2025 - Further additional information requested from the Applicant.
- 10 April 2025 - Further additional information submitted by Applicant.
- 24 April 2025 - Further additional information submitted by Applicant.
- 2 September 2025 - Further additional information submitted by Applicant.

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 size (including adjoining land to the north in the same ownership - Lot 23 DP 809770) 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(5), consent to the application on koala habitat grounds is supported in this case for the following reason:

1. A suitably qualified and experienced person, has provided information demonstrating the land:
 - (i) does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area.

State Environmental Planning Policy (Industry and Employment) 2021 Chapter 3 Advertising and Signage

The proposed development includes a directory style pylon sign (5m high), awning fascia signs facing Fernhill Road on Units 1 and 9, and business identification signs above the entry doors of each unit facing the internal access road.

Clause 3.5 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Clause 3.6 - The following assessment table provides an assessment checklist against the Schedule 5 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Schedule 5(1) Character of the area.	The character of the area is industrial on the eastern side of Fernhill Road. The western side of Fernhill Road has low density residential uses with mature trees and fencing along Fernhill Road. The signage is compatible with the character of the area and limits the amount of signage visible from the street and neighbouring residential areas.	Yes
Schedule 5(2) Special areas.	The subject site is not located within a special area.	Yes
Schedule 5(3) Views and vistas.	The proposed signs would not obstruct any views or compromise any vistas.	Yes
Schedule 5(4) Streetscape, setting or landscape.	The scale and proportions of the signs are compatible with the streetscape setting. The top of the pylon sign is proposed to be at RL31.65m, which below the highest part of the adjacent building (RL32.2m).	Yes
Schedule 5(5) Site and building.	The building identification signs and compatible with the scale and proportions of the building.	Yes
Schedule 5(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	N/A

Schedule 5(7) Illumination.	<p>The plans and Statement of Environmental Effects indicate that the pylon sign is proposed to be illuminated with directional lighting at the top of the structure. The illumination would be fitted with a timer to operate only between 7.00pm and 6.00am.</p> <p>This is considered excessive noting that the site adjoins a residential area, and the hours of operation will not extend beyond 7.00pm.</p> <p>A condition is recommended restricting illumination of the pylon sign to the hours of operation for the development.</p>	Yes
Schedule 5(8) Safety.	The proposed pylon sign is setback 2.3m from the front boundary of the site and is not expected to cause any adverse traffic, cyclist, or pedestrian safety impacts.	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land

Clause 4.6 - The site is mapped as being in the buffer zone for naturally occurring asbestos (NOA) on Council's contaminated land register. Review of aerial imagery identified concerns regarding land contamination due to large amounts of fill being stored and spread in the south-east corner of the site.

A site inspection on 1 May 2024 revealed that the fill on the site appeared to include building waste. A secondary inspection on 31 January 2025 revealed that most of the fill had been removed.

A Stage 1 Site Contamination Assessment prepared by Regional Geotechnical Solutions has been prepared to determine whether the site is contaminated. The report made the following conclusions and recommendations.

- *The southeastern portion of the site where the fill stockpiles are located was the focus of this assessment and comprises a small portion of the site's total area.*
- *The findings of this assessment are generally consistent with those of the previous Stage 1 Site Contamination completed in 2018.*
- *All soil samples collected for laboratory analysis reported analyte concentrations below the adopted assessment criteria for commercial industrial land use.*
- *Elevated concentrations of chromium and nickel were apparent in several soil samples collected from the south eastern part of the site during the current 2025 and previous 2018 assessment across the site, some of which were in excess of ecological guideline criteria.*
- *Chromium speciation analysis completed as part of the 2018 assessment revealed reported total chromium concentrations to comprise chromium III only and chromium VI concentrations were below the laboratory limit of reporting.*
- *As noted in the previous assessment report, the Port Macquarie Serpentinite contains elevated concentrations of heavy metals and subsequent soil development over the metal-rich bedrock has further concentrated the heavy metals present in soils in some parts of the Port Macquarie region. On this basis, the apparently elevated total chromium and nickel concentrations (albeit below the human health guideline criteria) obtained during this and the previous investigations are considered to be due to natural processes and not of anthropogenic origin.*
- *The relatively high chromium and nickel concentrations reported may potentially inhibit growth of some plant species, particularly those non-native to the Port*

Macquarie region, however, it is probable that the proposed development will cover this area with fill and concrete slabs thereby limiting the potential for plant uptake. If grass, gardens or vegetation growth is required then some localised excavation of the soils could be undertaken and disposed of to landfill under the appropriate waste classification. Excavation voids should be backfilled with site won materials from elsewhere on the site or with materials that classify as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) in accordance with NSW EPA (2014) Waste Classification Guidelines. Imported VENM or ENM material should be accompanied by appropriate documentation outlining these classifications.

- *No ACM or evidence of gross hydrocarbon contamination was observed across the site. Asbestos was not detected in each of the soil samples submitted for analysis.*
- *Should any soil material require removal off-site, it will require assessment for a Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 in accordance with the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 – the Excavated Natural Material (ENM) Order 2014.*
- *On the basis of the findings of this investigation it is apparent the soil stocking operations undertaken since the 2018 site assessment was completed have not resulted in soil impacts that that might pose an unacceptable risk to human health and/or the environment.*
- *Based on the results obtained from this 2025 and the previous 2018 investigations, the site is considered suitable the proposed commercial/industrial land use with regard to the presence of soil contamination, provided the recommendations and advice of this and the previous reports are adopted, and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements.*

Based on the findings of the assessment, the site is considered to be suitable for the proposed use.

State Environmental Planning Policy (Sustainable Buildings) 2022

Provision	Comment
Chapter 3 - Standards for non-residential development	
<p>3.1 Application of Chapter</p> <p>(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—</p> <p>(a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or</p> <p>(b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.</p> <p>(2) This Chapter does not apply to the following development—</p> <p>(a) development that is permitted with or without consent or that is exempt or complying development under—</p>	<p>The proposal is for erection of new buildings with an estimated development cost exceeding \$5 million and this Chapter applies.</p>

<p>(i) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or</p> <p>(ii) State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2, or</p> <p>(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5,</p> <p>(b) development on land wholly in any of the following zones—</p> <ul style="list-style-type: none"> (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, <p>(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>3.2 Development consent for non-residential development</p> <p>(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—</p> <ul style="list-style-type: none"> (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>The proposal includes energy efficiency measure to meet the requirements of the BCA including building construction and insulation, energy efficient lighting, energy efficient hot water systems, metering and monitoring of energy consumption, electric vehicle charging facilities, and provisions for solar energy and battery system for at least 20% of the roof area.</p> <p>Water saving fixtures will be installed in the toilet facilities for each unit, but water consumption will ultimately be driven by the future uses in each of the industrial units.</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.</p>	<p>The Applicant has provided an Embodied Emissions Materials Form quantifying the embodied emissions of proposed development.</p>
<p>3.3 Other considerations for large commercial development</p>	<p>N/A</p>

(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 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 identified the following potential safety risks:

- A safe distance of 4 metres is required to 11KV high voltage conductors that run to the front of this property. The transformer earths will need to be located so they are not disturbed.
- A safe distance of 1 metre is required to the low voltage underground network.

The proposed retaining wall at the front of the parking area is setback 4.2m from the high voltage conductors at the north-west corner of the site frontage, and the proposed industrial buildings are setback over 20m.

The front retaining wall and pylon sign are setback 2.3m from the front boundary and won't be within 1m of any underground electricity infrastructure in the road reserve.

Essential Energy also provided some general advice, which has been forwarded the Applicant for consideration.

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 E4 General Industrial.
- Clause 2.3(1) and the E4 zone land use table - The proposal is for the first use of units within the development to be for the purpose of general industry, with Units 1 and 9 proposed to also containing hardware and building supplies and warehouse. These uses are permissible with consent in the zone.

The objectives of the E4 zone are as follows:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:

- The development will provide for efficient use of industrial zoned land for industrial purposes.
- The development will create employment opportunities.
- The development has been designed to appropriately manage the adverse impacts of industry on residential uses on the western side of Fernhill Road.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 10.56m which complies with the standard height limit of 14.5m applying to the site.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- 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

DCP 2013: Part B - General Provisions - B1: Advertising and Signage			
DCP Objective	Development Provisions	Proposed	Complies
1	a) Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	None proposed.	Yes
	b) Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. No signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame signage may separately be approved by Council under the Roads Act 1993 or section 68 of the Local Government Act 1993.	Signs contained within lot boundaries.	Yes
	c) An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m ² , and should contain a sign written heading indicating the premises to which it refers.	N/A	N/A

	d) On-premise signs should not project above or to the side of building facades	None proposed	N/A
2	a) Where there is potential for light spill from signage in a non-residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.	<p>The plans and Statement of Environmental Effects indicate that the pylon sign is proposed to be illuminated with directional lighting at the top of the structure. The illumination would be fitted with a timer to operate only between 7.00pm and 6.00am.</p> <p>This is considered excessive noting that the site adjoins a residential area and the hours of operation do not extend beyond 7.00pm.</p> <p>Condition recommended restricting illumination of the pylon sign to the hours of operation for the development.</p>	Yes

DCP 2013: Part B - General Provisions - B2: Environmental Management

DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	<p>The proposal includes a bin storage area at the rear of Unit 14. The Statement of Environmental Effects indicates that this area will accommodate 2 skip style bins intended for bulk waste. Each industrial unit would also provide its own waste storage facilities within the building and private arrangements will be required for collection. The plans show that adequate manoeuvring area is available for waste collection vehicles. Condition recommended confirming requirement</p>	Yes

		for private waste collection.	
Cut and Fill Regrading			
4	<p>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).</p>	<p>The proposal includes up to 2m of cut in the north-west corner of the parking area, and up to 1.5m fill in the south-west corner of the parking area and southern end of the parking area between Unit 15 and 16.</p> <p>The cut in the north-west corner of the site will assist in concealing part of the parking area forward of the building and would maintain a relatively level area for more effective landscaping at street level. The fill at the southern side of the site will be finished with rock stabilised batters to reduce the visual impact of these works and maintain the stability of the site and neighbouring property.</p> <p>The proposed earthworks would not create any adverse privacy, stormwater, or stability impacts and are consistent with the objectives of this provision despite the numerical variation.</p>	Acceptable on merit.
5	<p>a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.</p>	Certification to be provided with Construction Certificate documentation.	Yes
	<p>b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high:</p> <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m 	No fence and retaining wall combination proposed.	N/A

	or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances.		
--	--	--	--

DCP 2013: Part B - General Provision - B3: Hazards Management

DCP Objective	Development Provisions	Proposed	Complies
Bushfire Hazard Management			
18	a) APZs are to be located outside of environmental protection zones and wholly 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.	No APZ proposed on environmental land.	Yes
	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

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

DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
23	a) New direct accesses from a development to arterial and distributor roads is not permitted. Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	No direct access to arterial or distributor road is proposed.	N/A
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	N/A	N/A

	<p>c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned:</p> <ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 	<p>One crossover with width of 9.0m at the property boundary and increasing to approximately 14m at the kerb is proposed. The remainder of the site frontage is retained for potential street parking.</p>	Yes
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p><u>Industries:</u> 1 per unit or 1 per 70 m² GFA, whichever is the greater, where an industrial retail outlet is included, 1 per 30m² for that area.</p> <p><u>Hardware and building supplies:</u> 1 per 70m² display (incl. accessories). Where landscape supplies are included, 1 per employee + 2 visitor [min] + adequate loading/unloading area, to Council's satisfaction.</p> <p><u>Warehouse or distribution centres:</u> 1 per 2 employees.</p>	<p>The proposed development has a GFA of 5777m² and the Statement of Environmental Effects indicates that the proposed use of the space will be as follows:</p> <ul style="list-style-type: none"> • Hardware and building supplies - GFA 569m². • Warehouse - number of employees unknown. • General Industrial - GFA 4,808m². <p>4808/70 = 68.7 spaces 569/70 = 8.1 spaces</p> <p>Total parking requirement = 76.8 spaces, plus warehouse requirement.</p> <p>The submitted plans provide for 79 parking spaces. This would mean that 2 parking spaces are available for the warehouse component of the development, which equates to up to 4 staff. Noting that the warehouse component of the development is relatively small (200m² in each of Units 1 and 9), 2 staff per warehouse is considered to be reasonable.</p>	Yes

	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.	N/A	N/A
	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 accepted in lieu of parking provision.	N/A	N/A
26	<p>a) On street parking, for the purposes of car parking calculations will not be included unless it can be demonstrated that:</p> <ul style="list-style-type: none"> – there is adequate on street space to accommodate peak and acute parking demands of the area; – parking can be provided without compromising road safety or garbage collection accessibility; – parking can be provided without jeopardising road function; and – that streetscape improvement works, such as landscaped bays and street trees are provided to contribute to the streetscape. 	N/A	N/A
	b) On street parking is provided in accordance with AS2890.5.	N/A	N/A
27	<p>a) On street parking will not be permitted unless it can be demonstrated that:</p> <ul style="list-style-type: none"> – parking does not detract from the streetscape; and – that streetscape improvement works, such as landscaped bays and street trees are provided. 	N/A	N/A

Parking Layout			
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	Given the intended use, most of the parking is likely to be for staff, and there would be limited customers or visitors. Only the hardware and building supplies in Units 1 and 9 are likely to generate any significant customer parking demand, and the parking area at the front of the site would be suitable for this purpose.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	Capable of complying.	Yes
	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> – it is stacked parking in the driveway; or – it can be demonstrated that improvements to the open space provided will result; and – the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	<p>Parking spaces 1-25 are located forward of the building line. The proposal includes landscaping with a width of 2.3m between the parking area and Fernhill Road.</p> <p>The reduced width would still provide for landscaping to be provided at an adequate scale and density to screen the parking area from the street. The Applicant has also proposed additional landscaping to the returns at each end of the parking area and adjacent to the driveway to offset the reduced width across the frontage.</p> <p>The northern end of the parking area (spaces 11 to 25) is at a lower level than the street and screening would be provided by the excavation, in addition to the landscaping.</p>	Acceptable on merit.

		<p>The submitted landscape plan includes a two shade/feature trees with mature height between 7m and 15m at either end of the parking area. It is recommended that an additional two shade/feature trees are provided in the landscaped area in the site frontage to compensate for the reduced width of landscaping overall.</p> <p>A condition is recommended requiring an amended landscape plan prior to the issue of a Construction Certificate, with two additional shade/feature tree provided in the frontage of parking spaces 3 or 4, and 14, 15, or 16.</p> <p>With this condition, the landscaping proposed is considered acceptable.</p>	
	<p>d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking and AS 2890.6 - Off-street parking for individuals with a disability and AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.</p>	<p>Capable of complying. Condition recommended requiring certification of the design prior to the issue of a Construction Certificate, and the completed parking areas prior to the issue of an Occupation Certificate.</p>	<p>Yes</p>
	<p>e) Stack or tandem parking spaces will not be included in assessment of parking provision except where:</p> <ul style="list-style-type: none"> – the spaces are surplus to that required; – in motor showrooms; – for home business; – for exhibition homes; – in car repair stations; – staff parking spaces are separately identified and delineated; – it is visitor parking associated with a dual occupancy multi dwelling and/or terrace housing, 	<p>None proposed.</p>	<p>N/A</p>

	directly in front of the garage with a minimum depth of 5.5m.		
29	a) Parking is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking, AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities, AS 1428 - Design for access and mobility and AS 2890.6 - Off-street parking for individuals with a disability.	Capable of complying. Condition recommended requiring certification of the design prior to the issue of a Construction Certificate, and the completed parking areas prior to the issue of an Occupation Certificate.	Yes
30	a) Bicycle and motorcycle parking shall be considered for all developments.	None proposed.	N/A
	b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.	N/A	N/A
	c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).	N/A	N/A
Redevelopment of Heritage Items - Conservation Incentives			
31	a) Council will consider discounting (i.e. exclude from calculations) the floor space of the heritage building/item when determining the total number of parking spaces to be provided on site. This will be considered in line with clause 5.10 of PMH LEP 2011, which requires the variation to be considered in the context of a heritage conservation management plan. This will only apply if Council is satisfied that the conservation of the heritage item is dependent upon Council making that exclusion. If applicants intend to seek such consideration, a detailed parking analysis of the site is to be submitted with the development application.	N/A	N/A
Section 7.11 Development Contributions			
32	a) Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> permits Council, at its discretion, to accept a monetary contribution in lieu of on-site parking where it is considered impractical or undesirable to provide parking	N/A	N/A

	<p>facilities on the site of the proposed development. Generally, contributions will not be accepted for the total amount of parking to be provided and will only be accepted in the commercial areas of Port Macquarie, Gordon Street, Laurieton, North Haven and Wauchope, as identified in Council's Contribution Plan 1993, as amended. Contribution rates are indexed (CPI) each quarter with variations in the contribution rate for each area. Applicants are advised to consult Council's staff at the time of preparing the DA application should a contribution for parking be proposed.</p>		
Landscaping of Parking Areas			
33	a) Landscaping areas shall be provided in the form of large tree planting, understorey plantings, mulch areas, mounding, lawns and the like	Landscaping to front parking area includes a mix of trees, shrubs and groundcovers.	Yes
	b) Landscaping areas shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.	Landscaping proposed for the perimeter of the front parking areas, where they adjoin the public domain.	Yes
	c) Garden beds shall be a minimum of 3m in width between car parking areas and street boundaries.	<p>Parking spaces 1-25 are located forward of the building line. The proposal includes landscaping with a width of 2.3m between the parking area and Fernhill Road.</p> <p>The reduced width would still provide for landscaping to be provided at an adequate scale and density to screen the parking area from the street. The Applicant has also proposed additional landscaping to the returns at each end of the parking area and adjacent to the driveway to offset the reduced</p>	Acceptable on merit.

		<p>width across the frontage.</p> <p>The northern end of the parking area (spaces 11 to 25) is at a lower level than the street and screening would be provided by the excavation, in addition to the landscaping.</p> <p>The submitted landscape plan includes a two shade/feature trees with mature height between 7m and 15m at either end of the parking area. It is recommended that an additional two shade/feature trees be provided in the landscaped area in the site frontage to compensate for the reduced width of landscaping overall.</p> <p>A condition is recommended requiring an amended landscape plan prior to the issue of a Construction Certificate, with two additional shade/feature tree provided in the frontage of parking spaces 3 or 4, and 14, 15, or 16.</p> <p>With this condition, the landscaping proposed is considered acceptable.</p>	
34	a) All plantings on public lands are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	N/A	N/A
	b) Trees are to be grown and installed in accordance with AS 2303:2015 <i>Tree Stock for Landscape Use</i> and Council's AUS-SPEC design specifications.	N/A	N/A
Surface Finishes			

35	<p>a) All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers.</p> <p>Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction certificate by a practising qualified Civil Engineer.</p>	Concrete surface.	Yes
	<p>b) In special cases (e.g. where traffic volumes are very low) Council may consider the use of consolidated unsealed gravel pavement for car parks. However, this should not be assumed and will need to be justified by the applicant at the Development Application stage.</p>	N/A	N/A
Drainage			
36	<p>a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.</p> <p>b) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.</p>	A concept stormwater management plan was provided with the application. Parking areas are proposed to be drained to the interallotment drainage in the north-east corner of the site.	Yes
37	<p>a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.</p>		
Loading Bays			
38	<p>a) Off street commercial vehicle facilities are provided in accordance with AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.</p>	<p>The TIA indicates that regular deliveries to the site will generally be short-term, and generally undertaken by a small delivery van or car, utilising onsite parking spaces or in the vicinity of the entry to each business.</p>	

		<p>It also notes that the driveway dimensions would accommodate a waste collection vehicle.</p> <p>A semi-trailer can also be accommodated in the internal driveway area in the event that larger deliveries are required. A right of access is proposed over neighbouring Lot 23 DP 809770 (which is also owned by the proponent) to allow a semi-trailer to circulate forwards through the sites.</p> <p>A condition is recommended requiring the registration of the right of access prior to the issue of an Occupation Certificate for the development.</p>	
	<p>b) Loading bays should be provided in accordance with the following requirements;</p> <ul style="list-style-type: none"> – Minimum dimensions to be 3.5m wide x 6m long. (This may increase according to the size and type of vehicle). – Vertical clearance shall be a minimum of 5m. – Adequate provision shall be made on-site for the loading, unloading and manoeuvring of delivery vehicles in an area separate from any customer car parking area. – A limited number of 'employee only' car parking spaces may be combined with loading facilities. – Loading areas shall be designed to accommodate appropriate turning paths for the maximum design vehicle using the site. – Vehicles are to be capable of manoeuvring in and out of docks without causing 	<p>Each unit has loading facilities with a minimum 4.8m x 4.8m roller door, which will be suitable for the design vehicle.</p> <p>Adequate manoeuvring area is provided to allow service vehicles to access the loading facilities.</p>	Yes

	<p>conflict with other street or on-site traffic.</p> <ul style="list-style-type: none"> – Vehicles are to stand wholly within the site during such operations. 		
	<p>c) Industrial development shall provide adequate heavy vehicle access to building entries, or alternatively, external bays located appropriately for goods distribution.</p>	<p>Heavy vehicles are not anticipated to be regularly required noting the relatively small floor area of the majority of the general industrial units. The design facilitates a heavy vehicle access via a right of access over neighbouring Lot 23 DP 809770 (which is also owned by the proponent).</p> <p>A condition is recommended requiring the registration of the right of access prior to the issue of an Occupation Certificate for the development.</p>	Yes
	<p>d) For external bays, one bay is required for 500m² of floor space or 1000m² of site area.</p>	N/A	N/A
	<p>e) Commercial development having a floor space less than 500m² need not provide a loading bay.</p>	N/A	N/A
	<p>f) Other commercial development shall provide one loading bay for the first 1,000m² floor space and one additional bay for each additional 2,000m².</p>	N/A	N/A
	<p>g) If parcel pickup facilities are provided on-site they shall be located so as to avoid conflict with general traffic flow within parking areas. Parcel pickup lanes shall be separate from through traffic lanes in major shopping developments.</p>	N/A	N/A
39	<p>a) The location and design of loading bays should integrate into the overall design of the building and car parking areas.</p>	<p>The loading bays have been designed with side access from the central driveway to reduce their visibility to the street.</p>	Yes
	<p>b) Where visible from the public domain, loading bays are located behind the building.</p>	<p>Loading bays are located behind the building line.</p>	Yes
	<p>c) Where loading bays are located close to a sensitive land</p>	<p>The site adjoins residential uses to the</p>	Yes

	use, adequate visual and acoustic screening is provided.	west. The loading bays are located behind the front of the building and at a lower level. The upper level of Units 1 and 9 will present to the street.	
Industrial Development			
40	a) Detailed plans are required for proposed vehicular access and circulation, vehicular movement, layout and turning circles in accordance with AUSTROADS and AS/NZS 2890 - Parking Facilities.	Details of relevant swept paths for vehicles have been provided and comply with Austroads and AS2890.	Yes
	b) An adequate area is to be shown on the plan for the loading/unloading and manoeuvring of B-Doubles on site where the industrial estate is accessed by roads approved as B-Double routes. B-Double uncoupling and lay-by areas are to be provided.	B-Double access not anticipated to be required for the scale of the units.	N/A
	c) Sufficient area is to be provided for adequate turning circles on site to enable ingress and egress to be in a forward direction.	Adequate turning area for vehicles up to a semi-trailer are provided via a right of access over neighbouring Lot 23 DP 809770 (which is also owned by the proponent). A condition is recommended requiring the registration of the right of access prior to the issue of an Occupation Certificate for the development.	Yes
	d) Vehicle driveways, ingress and egress are to be a minimum of 6 metres from the tangent point of the kerb radius and to be greater than 1.5 metres from the common side boundary with another lot.	Proposed driveway has adequate separation from property boundaries and nearby intersections.	Yes
	e) Generally, access driveways are not to be located within the intersection and restricted areas as identified within AS/NZS 2890 - Parking Facilities Parts 1 and 2, and adequate sight distance is to be provided for vehicles and pedestrians.	Driveway not located in a restricted area.	Yes
Traffic Generating Development			

41	a) Traffic Generating Development as defined under SEPP (Infrastructure) 2007 is referred to Roads and Maritime Services. (Refer to Clause 104 and Schedule 3 of the SEPP).	The proposal does not exceed the threshold (20,000m ² GFA) for traffic generating development. Referral to TfNSW is therefore not required.	N/A
----	---	--	-----

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention

DCP Objective	Development Provisions	Proposed	Complies
Crime Prevention			
43	a) The development addresses the generic principles of crime prevention: <ul style="list-style-type: none"> – Casual surveillance and sightlines; – Land use mix and activity generators; – Definition of use and ownership; – Basic exterior building design; – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	The proposed development is 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. The glazed front elevations of Units 1 and 9 would provide for casual surveillance of the front parking area and public domain during business hours.	Yes

DCP 2013: Part C - Development Specific Provisions - C4: Industrial Development

DCP Objective	Development Provisions	Proposed	Complies
Setbacks			
133	a) Minimum setbacks are provided as follows: <ul style="list-style-type: none"> – 10m from a classified road; – 7.6m from any other road boundary; – 3m from any secondary road frontage. 	Minimum front setback 18.2m.	Yes
Building Design			
134	a) Elevations of building which are visible from a public road, reserve or adjacent or adjoining residential areas are to be constructed using: <ul style="list-style-type: none"> – brick, masonry, pre-coloured metal cladding, or 	Painted concrete tilt panel proposed.	Yes

	<ul style="list-style-type: none"> – appropriately finished 'tilt-slab' concrete; or – a combination of a number of these materials. 		
	b) Large unrelieved expanses of wall or building mass are not favoured, and as such should be broken up by the use of suitable building articulation, fenestration or alternative architectural enhancements.	The street elevation is appropriately broken up with glazing and a small awning. The north and south elevations include large expanses of unrelieved wall, but these relate appropriately to the existing industrial buildings on each of the neighbouring properties.	Yes
Open Storage Work Areas			
135	a) Where storage of materials is proposed to be undertaken outside the confines of a building, full details of the areas to be used and the materials/volumes to be stored should be provided with the application.	No external storage areas proposed.	N/A
	b) Where a work area is proposed to be undertaken outside the confines of a building, full details of the areas to be used and activities to be undertaken should be provided with the application.	No work areas proposed outside buildings.	N/A
	c) Open work and storage areas are to be located at the rear of industrial developments and should be screened from public view by the use of landscaping and/or screen fencing. Such fencing is to be constructed of masonry materials or pre-coloured metal cladding, having a minimum height of 2m.	N/A	N/A
Landscaping and Fencing			
136	a) A detailed landscaping plan should be submitted with the development application and include: <ul style="list-style-type: none"> – All existing trees and those proposed to be removed clearly highlighted; – Proposed general planting and landscape treatment (including species); and 	There are no existing trees on the site. A landscape plan has been submitted, which includes planting locations and a selection of plant species, including trees with mature height of	Acceptable on merit.

	<ul style="list-style-type: none"> – Design details of hard landscaping elements and major earth cuts, fills and any mounding; and – Street trees in accordance with Council's Indigenous Street and Open Space Planting List. 	<p>between 7m and 15m, shrubs, and ground covers. The plan includes a 2.3m wide landscaped area for more than two thirds of the frontage to Fernhill Road.</p>	
	<p>b) A landscaped strip at least 3m wide covering a minimum of two thirds of each street frontage.</p>	<p>The reduced width would still provide for landscaping to be provided at an adequate scale and density to screen the parking area from the street. The Applicant has also proposed additional landscaping to the returns at each end of the parking area and adjacent to the driveway to offset the reduced width across the frontage.</p> <p>The northern end of the parking area (spaces 11 to 25) is at a lower level than the street and screening would be provided by the excavation, in addition to the landscaping.</p> <p>The submitted landscape plan includes a two shade/feature trees with mature height between 7m and 15m at either end of the parking area. It is recommended that an additional two shade/feature trees be provided in the landscaped area in the site frontage to compensate for the reduced width of landscaping overall.</p> <p>A condition is recommended requiring an amended landscape plan prior to the issue of a Construction Certificate, with two additional shade/feature</p>	

		<p>trees to be provided in front of parking spaces 3 or 4, and 14, 15, or 16.</p> <p>With this condition, the landscaping proposed is considered acceptable.</p>	
	c) Front fences shall be black chain wire or Diplomat® to a maximum of 3m (consistent with the exemption under SEPP Exempt and Complying Development Codes).	No front fencing noted on plans.	N/A
Industrial Land Adjoining Sensitive Land Uses			
137	a) Industrial development should comply with the provisions of the NSW Industrial Noise Policy, Environment Protection Authority 2000.	<p>A Noise Impact Assessment has been submitted with the application addressing the relevant policy.</p> <p>The assessment includes construction and operational requirements to manage noise and appropriate conditions are recommended in this regard.</p>	Yes
	b) Windows, doors and other wall openings should be arranged to minimise noise impacts on residences where an industrial development is located within 400m of a residential zone.	<p>Majority of openings oriented to the internal access road. The first floor street elevations of Units 1 and 9 include extensive glazing, with door openings. However, these areas are proposed to be used for hardware and building supplies and are likely to be less noisy than general industrial activities.</p> <p>The Acoustic Assessment recommends that roller doors to each unit remain closed between 6.00am and 7.00am, particularly if noisy activities are planned at any of the units. A condition is recommended</p>	Yes

		confirming this requirement.	
	c) External plant such as generators, air conditioning plant and the like, should be enclosed to minimise noise nuisance and located away from residences.	The acoustic assessment has modelled noise impacts of mechanical plant with an assumption that each unit would have the equivalent of a medium (double fan) condenser mounted on the roof. The acoustic assessment confirms that no further noise mitigation for plant is required.	Yes
	d) External and security lighting should be directed and shielded to avoid light spillage to adjoining residential areas.	The submitted plans include a note that all external security lighting will direct light onto the property only and comply with AS4282. Conditions recommended requiring certification of the lighting at the design and installation stages.	Yes
	e) Driveways should be arranged or screened to avoid headlight glare on residential windows.	Driveway located opposite existing dwelling at 37 Fernhill Road. Headlight glare would be partially screened by embankment, fencing and existing vegetation. The dwelling also has a substantial setback (approximately 27m) to this frontage.	Yes
Retailing and Offices in Industrial Areas			
138	a) Office space ancillary to the industrial use is permissible with consent, subject to satisfaction of the following matters: <ul style="list-style-type: none"> – That the office component of a proposed development is ancillary to the functions carried out in the factory, warehouse or other industrial use. – That the office area is not leased to a separate company or entity. – That parking facilities are adequate to cater for the 	No ancillary office space proposed.	N/A

	size of the office development.		
	b) That the office component of a proposed development is ancillary to the functions carried out in the factory, warehouse or other industrial use.	N/A	N/A
	c) That the office area is not leased to a separate company or entity.	N/A	N/A
	d) That parking facilities are adequate to cater for the size of the office development.	N/A	N/A

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 of 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 has a general westerly street frontage orientation to Fernhill Road.

Adjoining the site to the north and east are industrial uses. Adjoining the site to the south is industrial, storage, and specialised retail premises. Adjoining the site to the west is low density residential uses.

Given that the site is at the interface of residential and industrial zones, it is important that the development strikes an appropriate balance between maintaining the residential amenity of neighbours to the west, while allowing for the orderly development of industrial zoned land.

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

Roads

The site has road frontage to Fernhill Road. Adjacent to the site, Fernhill Road is a sealed public road under the care and control of Council. Fernhill Road is a collector road with a 10.5m road formation within a 18m road reserve.

Traffic and Transport

The application includes a Traffic Impact Assessment prepared by StreetWise Road Safety & Traffic Services and dated 18 December 2024. Findings of the study recommended:

- Prohibit parking on both sides of Fernhill Road, in the vicinity of the development, to ensure adequate road width to allow safe movements of vehicles in both directions.
- Restrict turn movements in & out of the proposed development to 'Left in & Left out' only.
- Complete footpath connections to provide safe access between the development and nearby bus stops for future residents.
- Installation of signage to denote a '10kmh Shared Zone' on the internal roadways within the development.
- Construction of a 0.30m wide median island on Fernhill Road.

PMHC Development Engineers have reviewed this report and agree with the recommendations, with the exception of the footpath connection to bus stops. There are no bus stops in Fernhill Road close to the site, with the nearest being on Lake Road approximately 250m from the site. There is not considered to be sufficient nexus to require the construction of footpath beyond the frontage of the site. Conditions have been recommended for construction of concrete footpath for the site frontage, central median works in Fernhill Road, and changes to parking restrictions.

Site Frontage and Access

Vehicle access to the site is proposed via one access driveway to Fernhill Road. It is proposed to provide circulation to and from the site by creating suitable rights of access over the adjoining property and appropriate conditions have been recommended in this regard. All accesses shall comply with Council AUSPEC and Australian Standards.

Parking and Manoeuvring

A total of 79 parking spaces (including 1 disabled space) have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. It is also proposed to provide circulation via a right of access over the adjoining property. Site plans show adequate area is available and conditions have been recommended to reflect these requirements.

Water Supply Connection

Water Supply is available to the site. A Section 306 Notice of Requirements will be required from the water authority prior to the issue of a Construction Certificate, and a Section 307 Certificate will be required at the completion of work and prior to the issue of an Occupation Certificate.

Appropriate conditions are recommended in this regard.

Sewer Connection

A sewer main currently traverses the central part of the site and is within the footprint of the proposed development. The main is essentially redundant as it doesn't service any neighbouring properties. The application proposes to cut the main at the property boundary and provide a new connection for the development from the sewer manhole adjacent to the south-east corner of the site.

Council's Water and Sewer Development Team have reviewed the servicing strategy and consider it to be acceptable in principle. A Section 306 Notice of Requirements will be required from the water authority prior to the issue of a Construction Certificate, and a Section 307 Certificate will be required at the completion of work and prior to the issue of an Occupation Certificate.

Appropriate conditions are recommended in this regard.

Stormwater

The site naturally grades towards the rear and is currently serviced via an existing interallotment drainage system that connects into Council's piped drainage system to the north on Acacia Avenue.

The legal point of discharge for the proposed development is defined as a direct connection to the existing interallotment drainage system servicing the site that flows in a northerly direction towards Acacia Avenue.

Stormwater from the proposed development is planned to be disposed via the interallotment drainage system, which is consistent with the above requirements.

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. In accordance with Council's AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention facilities.
- Water quality controls.
- Demonstration that the existing drainage easement across downstream lots between development lot and Acacia Avenue has adequate capacity to handle the modelled overland flows leaving the development site. On-site controls will be required to limit discharge further if the existing easement does not have capacity to contain overland flows.
- Long and cross sections of the internal driveways and finished floor levels of proposed units demonstrating adequate freeboard above overland flows occurring within the internal development site.

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.

As a precaution, a condition of consent has been recommended that works are to cease in the unexpected event heritage items are found. Works can only recommence when appropriate approvals are obtained for management and/or removal of the heritage item.

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

The proposal includes a bin storage area at the rear of Unit 14. The Statement of Environmental Effects indicates that this area will accommodate 2 skip style bins intended for bulk waste. Each industrial unit would also provide its own waste storage facilities within the building and private arrangements will be required for collection. The plans show that adequate manoeuvring area is available for waste collection vehicles. A condition is recommended confirming the requirement for private waste collection.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of the National Construction Code. No adverse impacts anticipated.

Noise and vibration

The site is located approximately 49m to the east of residential dwellings on neighbouring properties. The driveways to 25, 27, and 29 Fernhill Road do not have road access along Fernhill Road.

The proposed hours of operation for all the units are:

- Monday to Saturday 6:00am to 7:00pm.
- Sunday 9:00am to 5:00pm

The application was supported by an acoustic assessment, which provided a detailed assessment of mechanical plant, industrial noise, and waste collection and deliveries. The units will be constructed of 90/90/90 concrete along the property boundaries with the walls facing inward and roofs being corrugated steel panel with 90mm rock wool insulation.

The acoustic assessment concluded at worst case scenario for all units operating 100% of the time, that there will be a 5db exceedance for 27 Fernhill Road when the doors are open, during the night period (10pm to 7am Monday to Saturday, and 10pm to 8am Sundays and Public Holidays). There is no exceedance when the roller doors are closed during the night period. The report recommended that roller doors be closed until 7am to reduce noise impacts.

Appropriate conditions are recommended in this regard.

Bushfire

The site is identified as being bushfire prone.

The application includes a Bushfire Assessment prepared by a BPAD accredited assessor certifying that the development will meet the requirements and specifications of Planning for Bush Fire Protection 2019. A condition is recommended requiring completion of the relevant bushfire protection measures prior to the issue of an Occupation Certificate.

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. The glazed front elevations of Units 1 and 9 would provide for casual surveillance of the front parking area and public domain.

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.

The development will also create significant employment opportunities once completed.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality.

Construction

Construction impacts are generally considered capable of being managed, and standard construction and site management conditions have been recommended. The development will include significant earthworks and buildings close to the property boundaries. Having regard to the extent of existing retaining of neighbouring properties (particularly to the south), appropriate engineering will be required to ensure the stability is not compromised.

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.

(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

Eight (8) written submissions were received from 3 nearby property owners 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
Adverse lighting impacts on residential properties on the western side of Fernhill Road. The development should comply with AS 4282 - Control of the obtrusive effects of outdoor lighting.	The plans have been amended to include a note that all external security lighting will direct light onto the property only and comply with AS4282. Conditions have also been recommended requiring certification of the lighting at the design and installation stages.
The neighbouring industrial units at 22-24 Fernhill Road (also owned by the developer) are causing adverse lighting impacts and previous complaints have not been satisfactorily resolved.	This is a separate matter and cannot be addressed through the determination of the subject application. As noted above, appropriate conditions have been recommended to ensure that the proposed development does not result in any adverse lighting impacts.

Submission Issue/Summary	Planning Comment/Response
<p>The proposed hours of operation are not appropriate having regard to the site's location at the interface of a residential zone. Hours of operation should be restricted to those specified in the LEP and zoning maps at the time submitter's property was purchased in 2001/2002.</p>	<p>There were no hours of operation specified on the zoning maps or the LEP in 2001/2002.</p> <p>The suitability of the proposed hours of operation has been considered having regard to the NSW Environment Protection Authority's <i>Noise Policy for Industry</i>. The Acoustic Assessment prepared in support of the application confirms that with the recommended mitigation measures the development will be capable of operating with the noise limits for the hours proposed.</p> <p>To achieve the required noise levels between 6.00am and 7.00am, all roller doors will need to remain closed. An appropriate condition has been recommended in this regard.</p>
<p>Noise impacts associated with waste collection have not been considered. The current waste collection for the neighbouring industrial units at 22-24 Fernhill Road occurs at 4.00am and is extremely disruptive to nearby residents.</p> <p>Waste collection should be restricted to the operational hours of the development.</p>	<p>The Acoustic Assessment has been updated to consider waste collection and it has been confirmed that this aspect would not exceed the Project Noise Trigger Levels.</p> <p>It is agreed that waste collection should be carried out within the operational hours of the development, and a condition has been recommended confirming this requirement. Waste collection should also be precluded during the morning shoulder period (6.00am to 7.00am).</p>
<p>External fixed shading should be provided for the full extent of the west facing windows on Units 1 and 9 to improve energy efficiency and break up the unrelieved wall of the building.</p>	<p>The plans include an awning 1.4m wide across the full extent of the glazed areas on the western façade of the building.</p>
<p>Loss of privacy to residents from west-facing windows.</p>	<p>The west facing windows in Units 1 and 9 would be separated by 40m from the boundary of the nearest residential property and more than 60m from the nearest dwelling. The separation distance is sufficient to protect the privacy of neighbouring residents, and no additional privacy measures are considered necessary.</p>
<p>The landscape design does not include sufficient shade and feature trees or shrubs to achieve a dense landscape screen. Shade and feature trees should be provided for the full frontage of the site and be in scale with the height of the proposed buildings.</p>	<p>The landscape plan has been amended to include 2 shade/feature trees at the northern and southern end of the front parking area. A condition is recommended requiring an additional 2 shade/feature trees (one in front of parking space 3 or 4, and one in front of parking space 14, 15, or 16).</p>
<p>The maintenance of landscaping for the developer's neighbouring industrial</p>	<p>A condition has been recommended requiring the ongoing maintenance of</p>

Submission Issue/Summary	Planning Comment/Response
units at 22-24 Fernhill Road has been poor, and Council should ensure that conditions of consent require effective maintenance and replacement of landscaping as necessary into the future.	landscaped areas, including the replacement of any dead or damaged plants.
Request that Council now includes a requirement in the current consent approval for 26 Fernhill Road, that the landscaping provisions at 22-24 Fernhill Road be also brought back to the standard of landscaping design originally approved for that property.	<p>Conditions of consent are required to reasonably relate to the proposed development and it is not possible to impose a condition on a neighbouring property (even if the properties are in the same ownership).</p> <p>This should be pursued as a separate compliance matter under the relevant development consent for the neighbouring property.</p>
At five metres tall, the signage will be taller than the single storey dwellings on the other side of Fernhill Road and will be taller than all the street trees. In this respect it will dominate the streetscape and will not be compatible with the visual character of the area.	<p>The top of the pylon sign is proposed to be at RL31.65m AHD. The neighbouring residential properties on the western side of Fernhill Road are at a significantly higher elevation and the top of the sign will be below the roof levels of the existing dwellings at 25 and 27 Fernhill Road.</p> <p>The top of the sign will also be below the roof and parapet levels of Units 1 and 9 of the development (closest to the street).</p> <p>The species in the list of shade and feature trees on the Site Plan have mature heights ranging from 7m to 15m, and all the selected trees will grow to a height above the top of the 5m pylon sign.</p> <p>The scale of the sign is considered to be compatible with the streetscape and would not project above buildings or the tree canopy in the area.</p>
Given that Units 1 and 9 appear to have provisions for large signage across the front of the facades of those two units, it seems superfluous to also have those tenant names on the 5 metre sign board. If Council intends to allow Units 1 and 9 to have large signage on their facade, then the sign board should only require the remaining 14 names.	<p>Units 1 and 9 propose to include business identification signs along the fascia of the awning facing the street and would be able to be identified without inclusion on the pylon sign.</p> <p>However, it is not uncommon for businesses to have both pylon and building wall signs, even where there is only a single use on the site. The additional 2 panels on the directory board account for 500mm of the height of the structure, and the removal of the panels would not result in a significant amenity improvement, noting that the sign height is already lower than the proposed buildings.</p> <p>There is not considered to be sufficient</p>

Submission Issue/Summary	Planning Comment/Response
	weight for the application to refused on this basis, or for a condition to be imposed for amendments to the design of the pylon sign.
The signage should be limited to the height of the street trees existing across the road.	There are no existing street trees on the western side of Fernhill Road. Established trees within the private property across the road will be significantly higher than the top of the proposed sign.
No mention is made on the drawings regarding any intention to illuminate (internally) or floodlight this signage. Similarly, no mention is made of possible flood lighting of any signage fitted to the facades of Units 1 and 9. Given the nature of businesses that will use these sheds, and the limited operating hours, Council will be able to justify for this development, that no illumination of any signage will be justified and should be explicitly disallowed as part of the consent approval documents.	<p>The application has been amended to confirm that external illumination of the pylon sign is proposed, but the signs on the front of Units 1 and 9 are not proposed to be illuminated as part of this application.</p> <p>Noting that the proposed hours of operation are 6.00am to 7.00pm Monday to Saturday, and 9.00am to 5.00pm Sundays, there will be times where the businesses are operating after dark and it is not considered reasonable to prohibit illumination entirely. However, a condition is recommended restricting illumination to the approved hours of operation for the development.</p>
The proposal does not comply with the provisions for business identification signs in Clause 2.85 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	These provisions relate to the erection of business identification signs as Exempt Development (not requiring Council approval) and are not relevant to the assessment of a development application.
The proposal is inconsistent with Clause 2.22 of State Environmental Planning Policy (Industry and Employment) 2021.	This clause applies to development in the Western Sydney employment area and it not applicable to the subject site or proposal.
Headlight glare will adversely impact the amenity of residents on the western side of Fernhill Road.	<p>The driveway of the proposed development is oriented towards the neighbouring dwelling at 27 Fernhill Road. The dwelling has a substantial setback and is elevated above the road level, with established vegetation between the dwelling and Fernhill Road, which will provide some reduction in headlight glare.</p> <p>It is noted that the proposed hours of operation are 6.00am to 7.00pm Monday to Saturday, and 9.00am to 5.00pm Sundays, and the period where vehicles would potentially use headlights while exiting the site is limited.</p> <p>The orientation of the site to the street makes it difficult to entirely avoid some impacts from vehicle headlights. However, the extent and timing of the impacts given the hours of operation of the proposed development are considered reasonable in</p>

Submission Issue/Summary	Planning Comment/Response
The access location is dangerous.	<p>the context.</p> <p>The Traffic Impact Assessment submitted with the application has considered the access location and identified safety concerns with the right-turn movement entering and exiting the proposed development. The traffic consultant has recommended that access be restricted to left-in, left-out with the installation of a central median in Fernhill Road.</p> <p>Council's Development Engineer has reviewed the assessment and agreed that the access can be made suitably safe with these recommendations.</p>
The development will add to the existing traffic congestion in Fernhill Road.	<p>The Traffic Impact Assessment has calculated the traffic generation from the development to be 40 trips in the AM peak hour, 45 trips in the PM peak hour, with a total of 452 daily trips.</p> <p>The assessment has analysed the impact of the additional traffic on Fernhill Road and the nearby intersection with Lake Road. The traffic generated by the development is within the capacity of the existing road network.</p> <p>The assessment notes a significant delay for vehicles turning right from Fernhill Road onto Lake Road due to the high volume of traffic on Lake Road, with limited gaps in both directions. This is an existing limitation of the current intersection, and the traffic generation from the development would not warrant a major upgrade to the intersection.</p>
The development does not provide adequate off-street parking to meet the likely demand.	The proposed development provides off-street parking consistent with Council's Development Control Plan 2013.
The proposal is inconsistent with the objective of the industrial zone, which seek to minimise conflict with other land uses.	<p>The compatibility of the proposed development with nearby residential land uses has been considered in the assessment, particularly in relation to noise, lighting, traffic, and visual impacts.</p> <p>The design of the proposed development and the recommended conditions of consent are considered to adequately address any land use conflict in accordance with the zone objectives.</p>
The development is in proximity to land zoned C2 Environmental Conservation and the additional traffic generation poses a significant risk to the movement of native fauna through this corridor.	The land is zoned for industrial purposes and the proposal is within the assumed traffic growth for Fernhill Road. The left-in, left-out access to the development will restrict the majority of the traffic movements to the southern side of the

Submission Issue/Summary	Planning Comment/Response
	environmental corridor. Only vehicles accessing the site from the Oxley Highway would pass through the environmental corridor on Fernhill Road.
The proposed 5m high sign will pose a hazard to traffic and threaten wildlife in the vicinity. The sign should be removed.	<p>The proposed pylon sign is setback approximately 2m inside the property boundary and is not expected to result in any reduction in sight distance for vehicles exiting the site, particularly noting that all vehicles will be required to turn left.</p> <p>The content of the signs is static and does not contain any moving or flashing elements that are likely to cause distraction to drivers.</p> <p>The submission is not clear on how the proposed pylon sign would threaten wildlife in the vicinity, but it makes reference to any illumination. The recommended conditions of consent require the illumination to be switched off outside the hours of operation (6.00am to 7.00pm Monday to Saturday, and 9.00am to 5.00pm Sundays). On this basis there is not expected to be any adverse impacts on wildlife in the area from illumination.</p>
There is ambiguity regarding the capacity and effectiveness of the on-site detention tanks in mitigating stormwater issues. The potential diversion of stormwater to neighbouring properties or environmentally sensitive zones poses a significant risk to local ecosystems. Detailed plans and specifications for the on-site detention system should be provided.	<p>The concept stormwater management plan has been reviewed by Council's Senior Stormwater Engineer and is considered capable of meeting AusSpec requirements.</p> <p>Detailed design plans will need to be submitted for approval with the Section 68 application, prior to a Construction Certificate being issued for the development.</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

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 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 Reasons

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 [!\[\]\(655ea66d8c7b706520595b3b0c9fb34a_img.jpg\)](#) Attachment 1 - Recommended Conditions

2 [!\[\]\(a4c8d793192afd7d24b9ac5e5eff7830_img.jpg\)](#) Attachment 2 - Plans

3 [!\[\]\(70a583839f99fdb4e26b9f2b205a0da3_img.jpg\)](#) Attachment 3 - Contributions 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
11660 Sheet 1 - 8 and 13	K	Architectural Plans	B.R. Development Consulting	10 September 2025
20230585 H101	P1	Stormwater Drainage Plan	NAS Hydraulics	23 February 2024

Approved documents

Document title	Version number	Prepared by	Date of document
Acoustic Assessment	2224554_241212 Rev 1	RAPT Consulting	12 December 2024
Traffic Impact Assessment	3	StreetWise Road Safety & Traffic Services	18 December 2024
Statement of Environmental Effects	-	Love Project Management	17 December 2024
Bushfire Threat Assessment Certificate	-	Krisann Johnson	22 March 2024

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.

	<p>Condition Reason: To ensure that appropriate building and subdivision certification is obtained.</p>
3.	<p>A004 - Shoring and adequacy of adjoining property</p> <ol style="list-style-type: none"> 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 - <ol style="list-style-type: none"> 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 - <ol style="list-style-type: none"> a. the person having the benefit of the development consent owns the adjoining land, or b. the owner of the adjoining land gives written consent to the condition not applying. <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
4.	<p>A005 - Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. 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"> a. showing the name, address and telephone number of the principal certifier for the work, and b. 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 c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be - <ol style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to -

	<p>a. 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</p> <p>b. Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.</p> <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
5.	<p>A008 - Public works and utility services alterations</p> <p>The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage, public utility services, any easements and Council services at no cost of Council for the purposes of the development.</p> <p>Condition Reason: To confirm that the developer is responsible for all public utility costs and alterations.</p>
6.	<p>A009 - Construction site management</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"> 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; <ul style="list-style-type: none"> • Monday to Saturday from 7.00am to 6.00pm • No work to be carried out on Sunday or public holidays <p>The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.</p> 7. All works within proximity of electrical infrastructure shall be carried out in accordance with the requirements of the relevant electricity authority. <p>Condition Reason: 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.</p>

7.	<p>A010 - AUSPEC Specifications</p> <p>The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.</p> <p>Condition Reason: To ensure public infrastructure works meet appropriate industry standards.</p>
8.	<p>A014 - Public foot paving</p> <p>The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Fernhill Rd 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. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.</p> <p>Condition Reason: To ensure that the development positively contributes to the public domain and accommodates pedestrians.</p>
9.	<p>A015 - Bonds</p> <p>The applicant shall provide security to the Council for the payment of the cost of the following:</p> <ol style="list-style-type: none"> 1. Making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates, 2. 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, 3. Remedying any defects in any such public work that arise within twelve (12) months after the work is completed. <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> i. deposit with the Council, or ii. an unconditional bank guarantee in favour of the Council. <p>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.</p>

	Condition Reason: To specify the monetary bond required to be paid to protect public infrastructure from damage or defects.
10.	<p>A195 - Works in the road reserve</p> <p>A 300mm wide concrete medium island (SF profile kerb) is to be constructed along the centreline of Fernhill Road, adjacent to the proposed driveway access, to facilitate left-in and left-out traffic movements only. The design plans are to be generally in accordance with the concept plan on page 19 of the traffic impact assessment prepared by Street Wise, report number: FINAL (J/N 24 - 012) dated: 18 December 2024. Consent for construction works to be issued pursuant to Section 138 of the Roads Act (1993), prior to work commencing. No parking signs shall be provided on both sides of Fernhill Road adjacent to the island.</p> <p>Condition Reason: To ensure public infrastructure works meet appropriate industry standards.</p>
11.	<p>A196 - Approval of first use</p> <p>This consent authorises the first use of the units for the following purposes:</p> <ul style="list-style-type: none"> Units 2 - 8 and 10 - 16 - General Industry. Unit 1 - Hardware and building supplies (first floor), general industry and warehouse (ground floor). Unit 9 - Hardware and building supplies (first floor), general industry and warehouse (ground floor). <p>Separate consent shall be obtained for any change of use.</p> <p>Condition Reason: To confirm the approved uses.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
1.	<p>B002 - Plumbing permit</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"> Position and depth of the sewer (including junction) Stormwater drainage termination point Easements Water main Proposed water meter location

	<p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
2.	<p>B005 - Works in road reserve permit</p> <p>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.</p> <p>Such works include, but are not limited to:</p> <ul style="list-style-type: none"> • Civil works • Traffic management • Work zone areas • Hoardings • Concrete foot paving • Footway and gutter crossing • Functional vehicular access • Central median and associated regulatory signage. <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
3.	<p>B032 - Landscaping plans</p> <p>Prior to release of the Construction Certificate an amended landscape plan shall be submitted for the approval of the Principal Certifier. The plans shall include two additional feature/shade trees. One tree shall be located in the landscaped area in front of parking space 3 or 4, and one tree shall be located in the landscaped area in front of parking space 14, 15 or 16.</p> <p>Condition Reason: To positively contribute to the aesthetics and biodiversity of the area.</p>
4.	<p>B051 - Utilities and services including Water and Sewer</p> <p>Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided:</p> <p>A response from Council as a Water Authority as to whether plans accompanying the application for Construction Certificate would affect any Water Authority infrastructure and whether any further requirements need to be met.</p> <p>Condition Reason: To ensure relevant utility and service provider's requirements are provided to the certifier and Water Management Act requirements are met.</p>
5.	<p>B011 - Section 7.12 contributions</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"> Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007 <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 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 is to be submitted to Council. A reissue fee will be added to the new Notice of Payment when generated.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to ensure that the development positively contributes to public infrastructure networks.</p>
6.	<p>B027 - Car parking and access certification</p> <p>The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifier prior to release of the Construction Certificate.</p> <p>Condition Reason: To ensure that safe and practical accessibility/functionality is provided.</p>
7.	<p>B028 - Driveway long section</p> <p>A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the <i>Roads Act, 1993</i>. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.</p> <p>Condition Reason: To ensure that safe and practical accessibility/functionality is provided.</p>
8.	<p>B030 - Stormwater drainage design</p> <p>A stormwater drainage design is to be submitted and approved by Council prior to the issue of a 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:</p> <ol style="list-style-type: none"> 1. The legal point of discharge for the proposed development is defined as the interallotment drainage system. 2. The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No H101 prepared by NAS Hydraulics and dated 23/02/2024. 3. All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted. 4. 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

	<p>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.</p> <ol style="list-style-type: none"> 5. The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7. 6. 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. 7. 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. 8. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. 9. The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained. 10. Above ground OSD systems in paved trafficked areas require minimum 15% below ground storage in accordance with AUSPEC D5. 11. Long and cross sections of above ground stormwater management within the development site shall be provided demonstrating adequate freeboard for proposed unit FFL's above overland / surcharge paths for internal drainage. 12. Hydrological modelling (or suitable calculations and cross sections) shall demonstrate any overland flows from the development entering the existing easement to drain water, over Lots between the development site and Acacia Avenue, has adequate capacity to handle modelled flows up to the 1% AEP critical storm duration event without impacting downstream private properties or beyond the extents of the easement. On-site controls shall be provided to limit discharge if the easement is unable to handle overland flows. <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
--	--

BEFORE BUILDING WORK COMMENCES

Condition	
1.	<p>D001 - Notice of works commencement</p> <p>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.</p> <p>Condition Reason: To ensure that the development commences in an orderly manner and to protect public safety and the integrity of public infrastructure.</p>
2.	<p>D005 - Construction hoarding fence</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>Condition Reason: To protect public safety and the integrity of public infrastructure.</p>
--	---

DURING BUILDING WORK

Condition	
1.	<p>E002 - Naturally occurring asbestos</p> <p>The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall commence until a NOA management plan has been approved by Council or Workcover.</p> <p>Condition Reason: To protect public health and safety.</p>
2.	<p>E003 - Copy of construction plans</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>Condition Reason: To ensure that the development proceeds in accordance with the approved plans.</p>
3.	<p>E012 - Disposal of wastes</p> <p>Wastes including vegetation shall not be disposed of by burning.</p> <p>Condition Reason: To protect public health and safety and the environment.</p>
4.	<p>E011 - Stop work if aboriginal objects discovered</p> <p>Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the <i>National Parks and Wildlife Act 1974</i>. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the <i>National Parks and Wildlife Act 1974</i> may be required before work resumes.</p> <p>Condition Reason: To protect culturally significant places and items.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
1.	<p>F003 - Bond securities release</p> <p>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.</p> <p>Condition Reason: To protect public infrastructure.</p>
2.	<p>F020 - Completion of works within the road reserve</p> <p>Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifier 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.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
3.	<p>F031 - Section 68 Certificate of Completion</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>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
4.	<p>F001 - Acoustic measures installed</p> <p>Prior to occupation or issue of the Occupation Certificate, details of compliance with the acoustic noise construction requirements is to be provided to the Principal Certifier.</p> <p>Condition Reason: To protect public health and safety.</p>
5.	<p>F005 - Imported fill certification</p> <p>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.</p> <p>Condition Reason: To protect public health and safety.</p>
6.	<p>F009 - Driveway and parking area construction standard</p> <p>Driveways, access aisles and parking areas shall be provided with an approved concrete or asphalt surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).</p>

	<p>Condition Reason: To ensure that the development provides for practical and safe accessibility/functionality and to protect the environment.</p>
7.	<p>F018 - Completion of parking area</p> <p>Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.</p> <p>Condition Reason: To ensure that the development provides for practical and safe accessibility/functionality.</p>
8.	<p>F022 - Certification of car parking areas</p> <p>Certification by a suitably qualified consultant is to be submitted to the Principal Certifier confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.</p> <p>Condition Reason: To ensure that the development provides for practical and safe accessibility/functionality.</p>
9.	<p>F024 - Drainage certification</p> <p>An appropriately qualified and practising consultant is required to certify the following:</p> <ol style="list-style-type: none"> 1. All drainage lines have been located within the respective easements, and 2. Any other drainage structures are located in accordance with the Construction Certificate. 3. All stormwater has been directed to a Council approved drainage system 4. All conditions of consent/ construction certificate approval have been complied with. 5. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate. <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
10.	<p>F032 - Engineering certification of public infrastructure</p> <p>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.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
11.	<p>F033 - Section 307 certificate for building works</p> <p>A Certificate of Compliance under the provisions of Section 307 of the <i>Water Management Act</i> must be obtained prior to the issue of any Occupation Certificate.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>

12.	<p>F039 - Satisfactory services certification</p> <p>Prior to the issue of an Occupation Certificate, evidence to the satisfaction of the Principal Certifier from the electricity and telecommunications providers that satisfactory services arrangements have been made to the units (including street lighting and fibre optic cabling where required).</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
13.	<p>F045 - Works as executed plans</p> <p>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 Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
14.	<p>F195 - Certification of lighting</p> <p>Prior to the issue of an Occupation Certificate, certification shall be provided to the Principal Certifier confirming that all exterior lighting has been designed and installed in accordance with AS 4282 <i>Control of the obtrusive effects of outdoor lighting</i>.</p> <p>Condition Reason: To ensure that the development does not result in unacceptable lighting impacts.</p>
15.	<p>F196 - Registration of Right of Access</p> <p>Prior to the issue of an Occupation Certificate, evidence shall be provided to the Principal Certifier that a reciprocal right of access has been registered over Lot 23 DP 809770 and Lot 1 DP 607512 in the location shown on the approved plans.</p> <p>Condition Reason: To ensure that legal and practical access for service vehicles is provided.</p>
16.	<p>F037 - Private waste collection arrangements</p> <p>Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifier that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.</p> <p>Condition Reason: To ensure waste is managed appropriately so as it does not adversely impact on public health and the environment.</p>
17.	<p>F197 - Completion of bushfire protection measures</p>

	<p>Prior to the issue of an Occupation Certificate the relevant bushfire protection measures detailed in the Bushfire Threat Assessment Certificate shall be completed.</p> <p>Condition Reason: To protect public health and safety and building assets.</p>
--	--

OCCUPATION AND ONGOING USE

Condition	
1.	<p>G019 - Onsite stormwater detention management</p> <p>On completion of the on-site stormwater detention system (OSD), the owner of the property is responsible for:</p> <ol style="list-style-type: none"> 1. Maintaining and keeping clear all pits, pipelines, screens, orifice and other structures associated with the on-site stormwater detention facilities ("OSD"). 2. Having the OSD inspected annually by a competent person. <p>The Council shall have the right to enter the development lot, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order any structures or components in or upon the land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the landowner.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided and maintained to service the development.</p>
2.	<p>G003 - Loading facilities on-site</p> <p>All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.</p> <p>Condition Reason: To protect public health and safety and to ensure that the development provides for practical and safe accessibility.</p>
3.	<p>G005 - Exterior lighting installation</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 <i>Control of the obtrusive effects of outdoor lighting</i>. No flashing, moving or intermittent lighting is permitted on the site. To this extent the signage must not flash and illumination shall be switched off outside the approved hours of operation.</p> <p>Condition Reason: To ensure that the development does not result in unacceptable lighting impacts.</p>
4.	<p>G008 - Offensive odours management</p> <p>Offensive odours shall not be generated by the operation of the development.</p>

	<p>Condition Reason: To ensure that the development does not result in unacceptable odour impacts.</p>
5.	<p>G011 - Liquid materials storage</p> <p>Liquid materials, including oils, liquids, lubricants, chemicals etc. are to be stored in roofed and imperviously bund area. The bund shall be capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is greatest.</p> <p>Condition Reason: To protect public health and safety and the environment.</p>
6.	<p>G013 - Spills and contaminated runoff management</p> <p>Spills and contaminated runoff should be prevented from entering the stormwater system. In this regard, adequate spill containment equipment should be maintained on site at all times.</p> <p>Condition Reason: To protect public health and safety and the environment.</p>
7.	<p>G014 - Offensive noise management</p> <p>Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.</p> <p>Condition Reason: To ensure that the development does not result in unacceptable noise impacts.</p>
8.	<p>G015 - Hours of operation</p> <p>Hours of operation of the development are restricted to the following hours:</p> <ul style="list-style-type: none"> • 6:00am to 7:00pm – Mondays to Saturdays. • 9:00am to 5:00pm – Sundays. <p>Waste collection shall only be carried out between 7:00am and 6:00pm Monday to Saturday.</p> <p>Condition Reason: To protect the amenity of the area.</p>
9.	<p>G195 - Roller doors to remain closed until 7am</p> <p>Roller doors to all units must remain closed until 7:00 AM to minimise noise impacts on surrounding residents.</p> <p>Condition Reason: To protect the amenity of the area.</p>
10.	<p>G001 - On-site carparking</p> <p>On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 79 spaces are to be provided onsite.</p> <p>Condition Reason: To ensure that the development provides for practical and safe accessibility/functionality.</p>

11.	<p>G021 - Stormwater quality control maintenance</p> <p>On completion of the stormwater water quality control device (SQID), the owner of the property is responsible for:</p> <ol style="list-style-type: none">1. Maintaining and keeping clear all components of and structures associated with the SQID in accordance with the maintenance plan so as to ensure the system achieves the nominated performance targets.2. Having the SQID inspected annually by a competent person. <p>The Council shall have the right to enter upon the development lot, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the landowner.</p> <p>Condition Reason: To ensure that appropriate infrastructure is provided and maintained to service the development.</p>
12.	<p>G195 - Maintenance of landscaping</p> <p>Approved landscaping shall be maintained in a tidy and healthy condition in perpetuity. Any plants that die or are removed for safety reasons shall be replaced with the same species.</p> <p>Condition Reason: To ensure the effectiveness of the landscaping as a visual screen to the development.</p>

PROPOSED 16 UNIT INDUSTRIAL COMPLEX
26 FERNHILL RD LOT 1 DP 607512
PORT MACQUARIE

FOR :TRADEAIDE P/L

BUILDING DETAILS

DRAWING No 11660

REV K 10/9/2025

DRAWING SCHEDULE

SHEET No	TITLE
1	COVER SHEET
2	GENERAL SITE PLAN 1:200
3	FLOOR PLANS UNIT 1-4 1:100
4	FLOOR PLANS UNIT 4-8 1:100
5	FLOOR PLANS UNIT 9-14 1:100
6	ELEVATIONS UNITS 1-14 1:200
7	FLOOR PLAN/ELEVATIONS UNIT 15 1:100
8	FLOOR PLAN/ELEVATIONS UNIT 16 1:100
9	GENERAL SPECIFICATION
10	OH & S
11	DISABLED FACILITY DETAILS
12	DWAY LONGSECTION
13	RIGHT OF ACCESS PLAN



B.R. Development Consulting

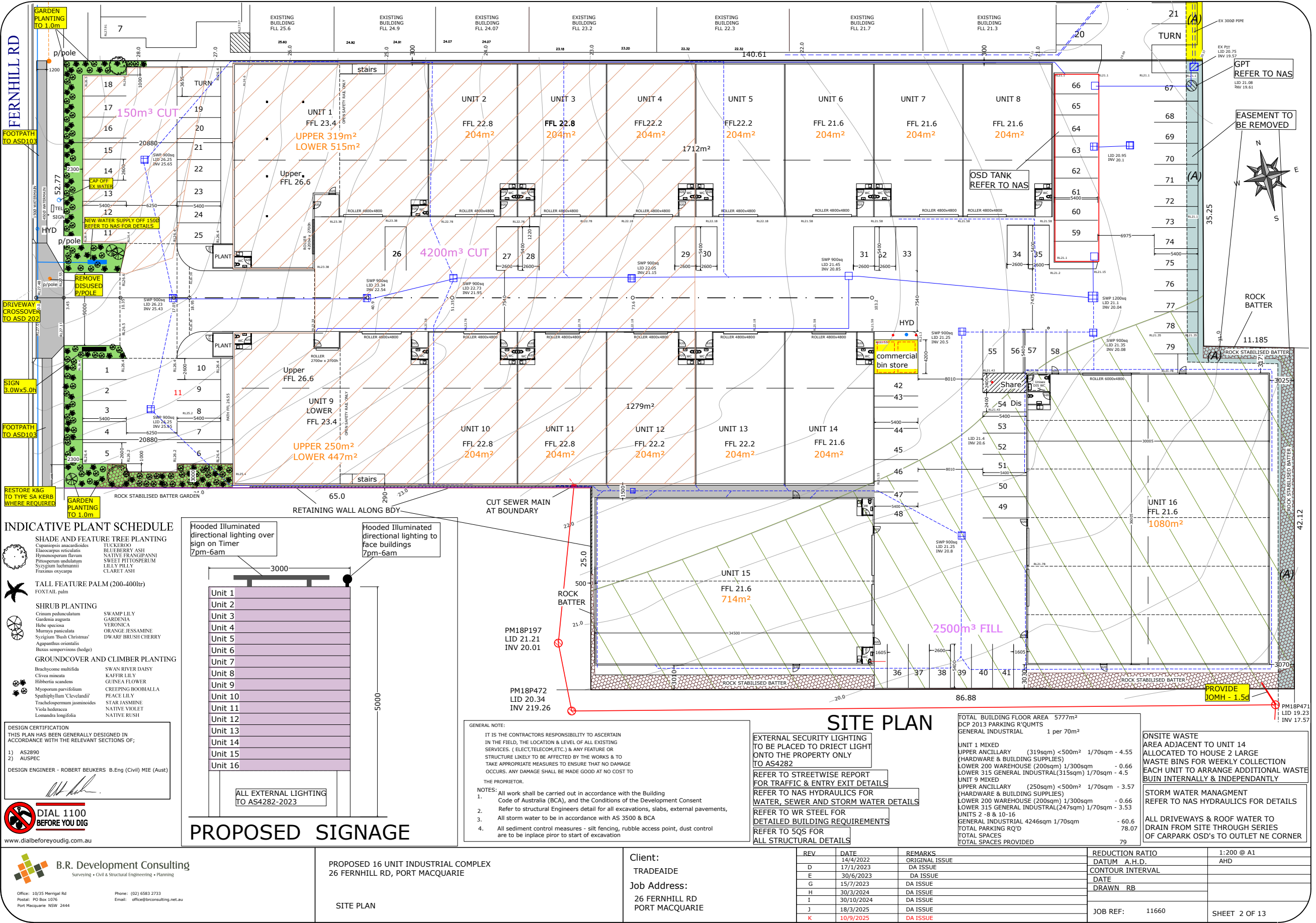
Surveying ■ Civil & Structural Engineering ■ Planning

A 10/35 Merrigal Rd, Port Macquarie

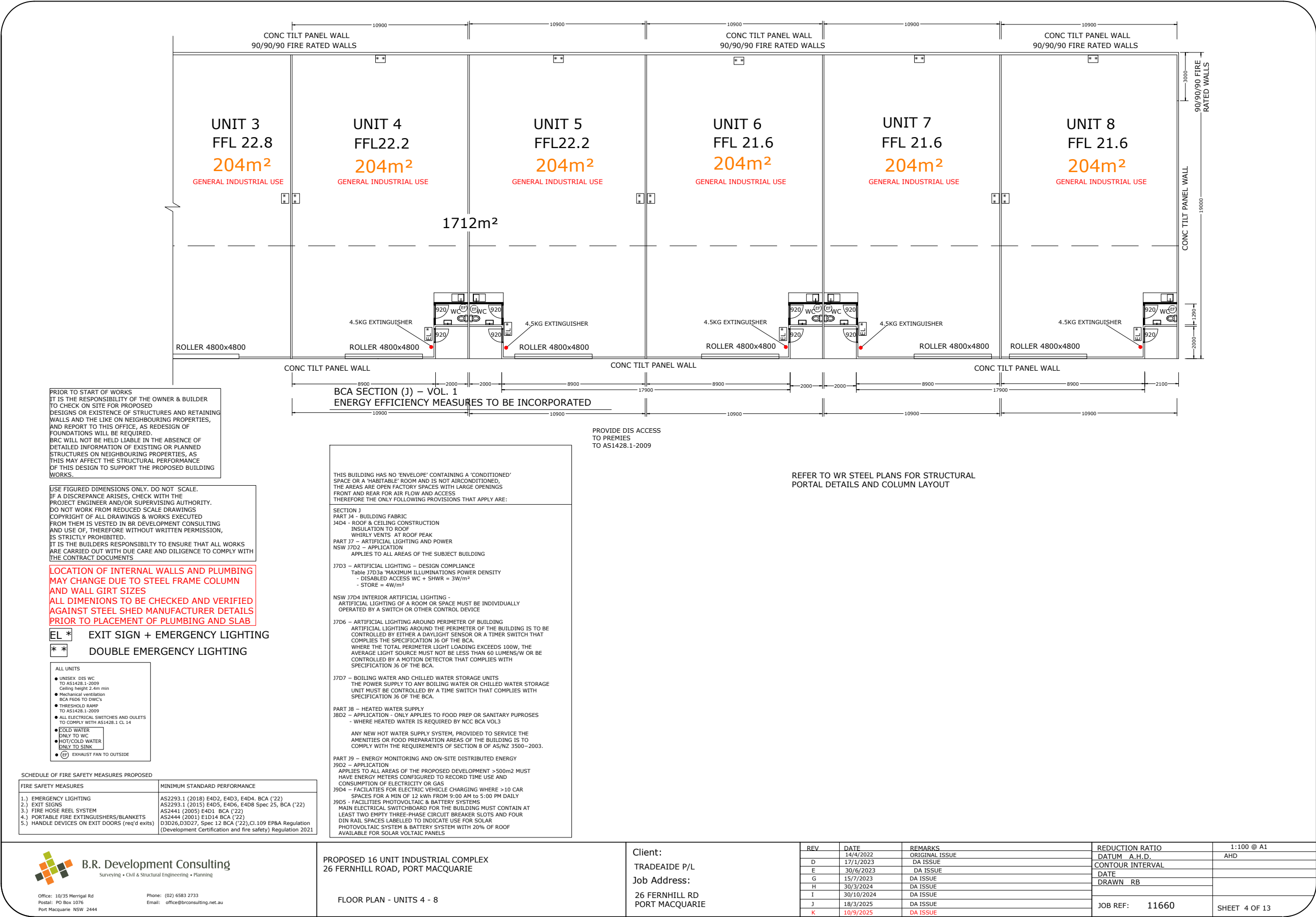
P (02) 6583 2733

E office@brconsulting.net.au

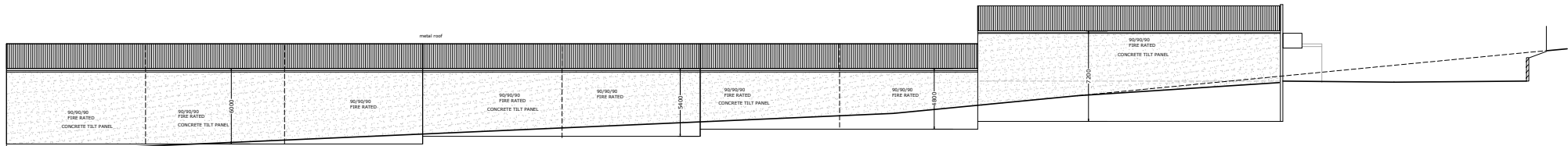
SH 1 OF 13



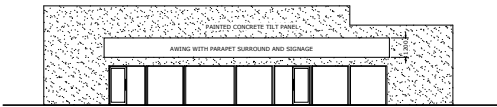




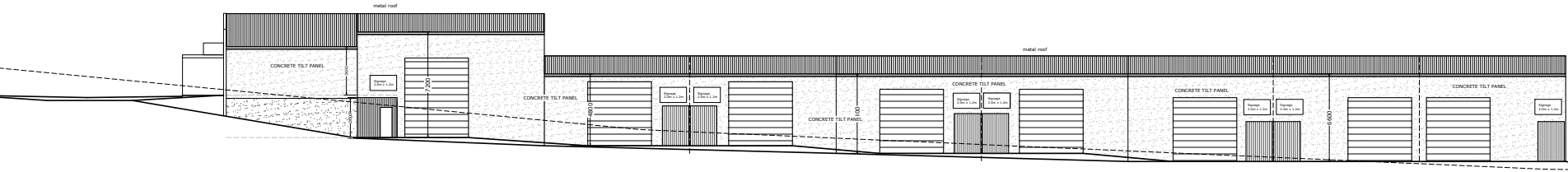




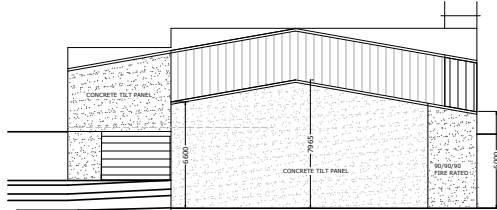
UNITS 1 - 8 NORTH ELEVATION



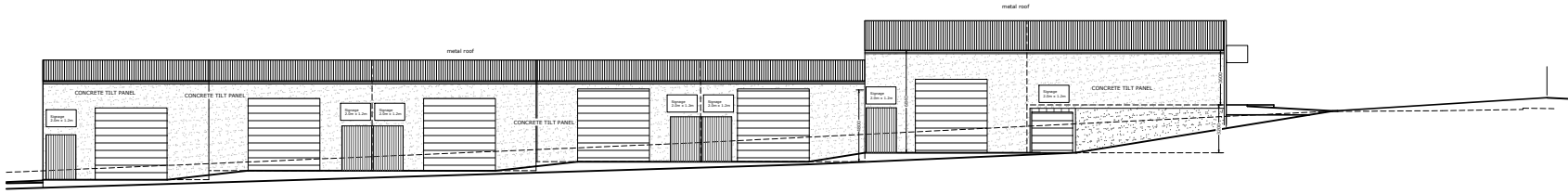
UNITS 1 - 8 WEST ELEVATION



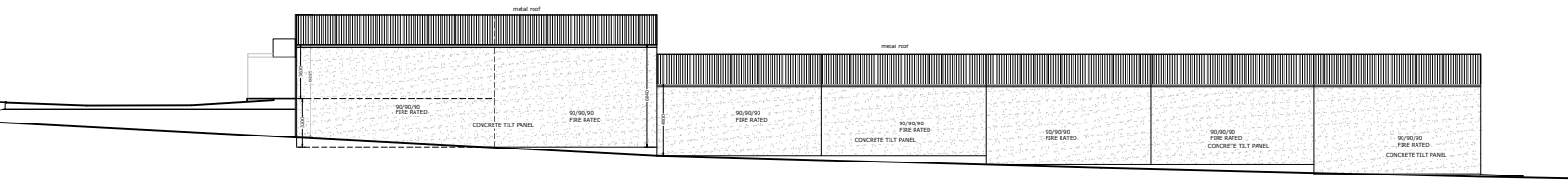
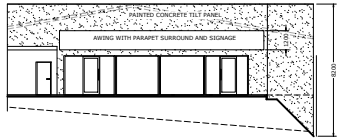
UNITS 1 - 8 SOUTH ELEVATION



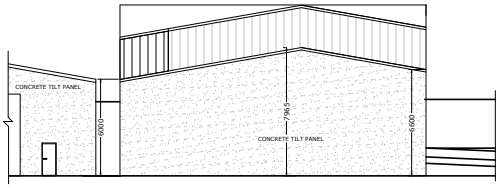
UNITS 1 - 8 EAST ELEVATION



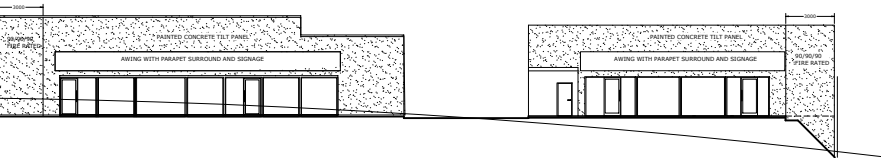
UNITS 9-14 NORTH ELEVATION



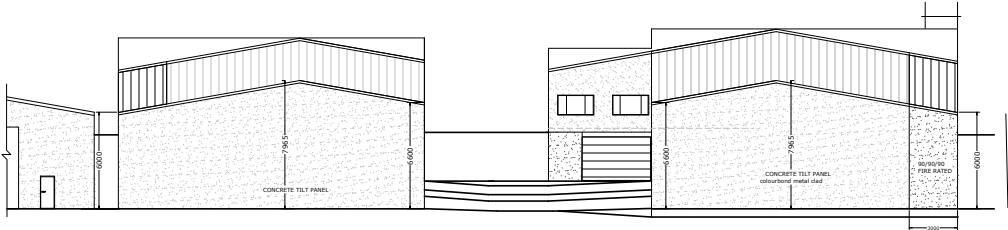
UNITS 9-14 SOUTH ELEVATION



UNITS 9-14 EAST ELEVATION



UNITS 1 & 9 STREET ELEVATION



UNITS 8 & 14 EAST ELEVATION

PRIOR TO START OF WORKS:
IT IS THE RESPONSIBILITY OF THE OWNER & BUILDER TO CHECK ON SITE FOR PROPOSED DESIGNS OR EXISTENCE OF STRUCTURES AND RETAINING WALLS AND THE LIKE ON NEIGHBOURING PROPERTIES, AND REPORT TO THIS OFFICE. AS REDESIGN OF FOUNDATIONS WILL BE REQUIRED.
BEC WILL NOT BE HELD LIABLE IN THE ABSENCE OF DETAILED INFORMATION OF EXISTING OR PLANNED STRUCTURES ON NEIGHBOURING PROPERTIES, AS THIS MAY AFFECT THE STRUCTURAL PERFORMANCE OF THIS DESIGN TO SUPPORT THE PROPOSED BUILDING WORKS.

USE FIGURED DIMENSIONS ONLY. DO NOT SCALE.
IF A DISCREPANCY ARISES, CHECK WITH THE PROJECT ENGINEER AND/OR SUPERVISING AUTHORITY. DO NOT WORK FROM REDUCED SCALE DRAWINGS. COPYRIGHT OF ALL DRAWINGS & WORKS EXECUTED FROM THEN IS VESTED IN B.R. DEVELOPMENT CONSULTING AND USE OF, THEREFORE WITHOUT WRITTEN PERMISSION, IS STRICTLY PROHIBITED.
IT IS THE BUILDERS RESPONSIBILITY TO ENSURE THAT ALL WORKS ARE CARRIED OUT WITH DUE CARE AND DILIGENCE TO COMPLY WITH THE CONTRACT DOCUMENTS.
LOCATION OF INTERNAL WALLS AND PLUMBING MAY CHANGE DUE TO STEEL FRAME COLUMN AND WALL GIRT SIZES. ALL DIMENSIONS TO BE CHECKED AND VERIFIED AGAINST STEEL SHED MANUFACTURER DETAILS PRIOR TO PLACEMENT OF PLUMBING AND SLAB.

SCHEDULE OF FIRE SAFETY MEASURES PROPOSED

FIRE SAFETY MEASURES	MINIMUM STANDARD PERFORMANCE
1.) EMERGENCY LIGHTING	AS2293.1 (2018) E402, E404 BCA ('22)
2.) EXIT SIGNS	AS2293.1 (2018) E405, E406 BCA ('22)
3.) FIRE HYDRANT SYSTEM	AS2419.1 (2021) E1D2 BCA ('22)
4.) FIRE HOSE REEL SYSTEM	AS2441 (2005) E1D3 BCA ('22)
5.) PORTABLE FIRE EXTINGUISHERS/BANKETS	AS2444 (2001) E1D14 BCA ('22)
6.) HANDLE DEVICES ON EXIT DOORS (req'd exits)	D3026 BCA ('22) C109 EP8A (Development Certification and Fire Safety) Regulation 2021

IF IN DOUBT, ASK!!!!

REFER TO WR STEEL PLANS FOR STRUCTURAL PORTAL DETAILS AND COLUMN LAYOUT



Office: 10/35 Merrigal Rd
Postal: PO Box 1076
Port Macquarie NSW 2444

Phone: (02) 6583 2733
Email: office@brconsulting.net.au

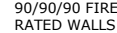
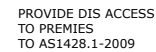
PROPOSED 16 UNIT INDUSTRIAL COMPLEX
26 FERNHILL ROAD, PORT MACQUARIE

ELEVATIONS - UNITS 1-14

Client:
TRADEAIDE P/L
Job Address:
26 FERNHILL RD
PORT MACQUARIE

REV	DATE	REMARKS
D	14/4/2022	ORIGINAL ISSUE
E	17/1/2023	DA ISSUE
G	30/6/2023	DA ISSUE
H	15/7/2023	DA ISSUE
I	30/3/2024	DA ISSUE
J	30/10/2024	DA ISSUE
K	18/3/2025	DA ISSUE
K	10/9/2025	DA ISSUE

REDUCTION RATIO	1:100 @ A1
DATUM	A.H.D.
CONTOUR INTERVAL	
DATE	
DRAWN	RB
JOB REF:	11660
SHEET	6 OF 13



NORTH ELEVATION

REFER TO WR STEEL PLANS FOR STRUCTURAL
PORTAL DETAILS AND COLUMN LAYOUT

USE FIGURED DIMENSIONS ONLY. DO NOT SCALE.
IF A DISCREPANCY ARISES, CHECK WITH THE
PROJECT ENGINEER AND/OR SUPERVISING AUTHORITY.
DO NOT WORK FROM REDUCED SCALE DRAWINGS
COPYRIGHT OF ALL DRAWINGS & WORKS EXECUTED
FROM THEM IS VESTED IN BR DEVELOPMENT CONSULTING
AND USE OF, THEREFORE WITHOUT WRITTEN PERMISSION,
IS STRICTLY PROHIBITED.
IT IS THE BUILDERS RESPONSIBILITY TO ENSURE THAT ALL WORKS
ARE CARRIED OUT WITH DUE CARE AND DILIGENCE TO COMPLY WITH
THE CONTRACT DOCUMENTS

LOCATION OF INTERNAL WALLS AND PLUMBING
MAY CHANGE DUE TO STEEL FRAME COLUMN
AND WALL GIRT SIZES
ALL DIMENIONS TO BE CHECKED AND VERIFIED
AGAINST STEEL SHED MANUFACTURER DETAILS
PRIOR TO PLACEMENT OF PLUMBING AND SLAB

EL *	EXIT SIGN + EMERGENCY LIGHTING
* *	DOUBLE EMERGENCY LIGHTING

- ALL UNITS**
- **NIUSEX DIS WC**
TO AS1428.1-2009
Ceiling height 2.4m min
 - **Mechanical ventilation**
BCA F6D6 to DWc's
 - **THRESHOLD RAMP**
TO AS1428.1-2009
 - **ALL ELECTRICAL SWITCHES AND OUTLETS**
TO COMPLY WITH AS1428.1 CL 14
 - **COLD WATER ONLY TO WC**
 - **HOT/COLD WATER ONLY TO SINK**
 - **(E) EXHAUST FAN TO OUTSIDE**

SCHEDULE OF FIRE SAFETY MEASURES PROPOSED	
FIRE SAFETY MEASURES	MINIMUM STANDARD PERFORMANCE
1. EMERGENCY LIGHTING	AS2293.1 (2018) E402, E403, E404, BCA (22)
2. EXIT SIGNS	AS2293.1 (2015) E405, E406, E408 Spec 25, BCA (22)
3. FIRE HOSE REEL SYSTEM	AS2441 (2005) E401 BCA (22)
4. PORTABLE FIRE EXTINGUISHERS/BLANKETS	AS2444 (2001) E1014 BCA (22)
5. HANDLE DOORS ON EXIT DOORS (req'd exits)	D3026, D3027, Spec 12 BCA (22), CL109 EP8a Regulation

THIS BUILDING HAS NO 'ENVELOPE' CONTAINING A 'CONDITIONED' SPACE OR A 'HABITABLE' ROOM AND IS NOT AIRCONDITIONED, THE AREAS ARE OPEN FACTORY SPACES WITH LARGE OPENINGS FRONT AND REAR FOR AIR FLOW AND ACCESS THEREFORE THE ONLY FOLLOWING PROVISIONS THAT APPLY ARE:

SECTION J
PART J4 - BUILDING FABRIC
J4D4 - ROOF & CEILING CONSTRUCTION
INSULATION TO ROOF
WHIRLY VENTS AT ROOF PEAK
PART J7 - ARTIFICIAL LIGHTING AND POWER
NSW J7D2 - APPLICATION
APPLIES TO ALL AREAS OF THE SUBJECT BUILDING

J7D3 – ARTIFICIAL LIGHTING – DESIGN COMPLIANCE
Table J7D3a 'MAXIMUM ILLUMINATIONS POWER DENSITY
- DISABLED ACCESS WC + SHWR = 3W/m²
- STORE = 4W/m²

NSW J7D4 INTERIOR ARTIFICIAL LIGHTING -
ARTIFICIAL LIGHTING OF A ROOM OR SPACE MUST BE INDIVIDUALLY
OPERATED BY A SWITCH OR OTHER CONTROL DEVICE

J7D6 - ARTIFICIAL LIGHTING AROUND PERIMETER OF BUILDING
ARTIFICIAL LIGHTING AROUND THE PERIMETER OF THE BUILDING IS TO BE
CONTROLLED BY EITHER A DAY/LIGHT SENSOR OR A TIMER SWITCH THAT
COMPLIES THE SPECIFICATION J6 OF THE BCA.
WHERE THE TOTAL PERIMETER LIGHT LOADING EXCEEDS 100W, THE
AVERAGE LIGHT SOURCE MUST NOT BE LESS THAN 60 LUMENS/W OR BE
CONTROLLED BY A MOTION DETECTOR THAT COMPLIES WITH
SPECIFICATION J6 OF THE BCA.

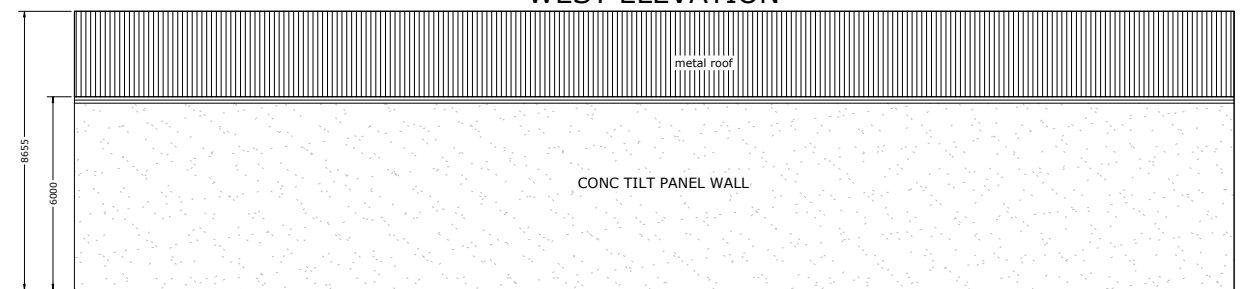
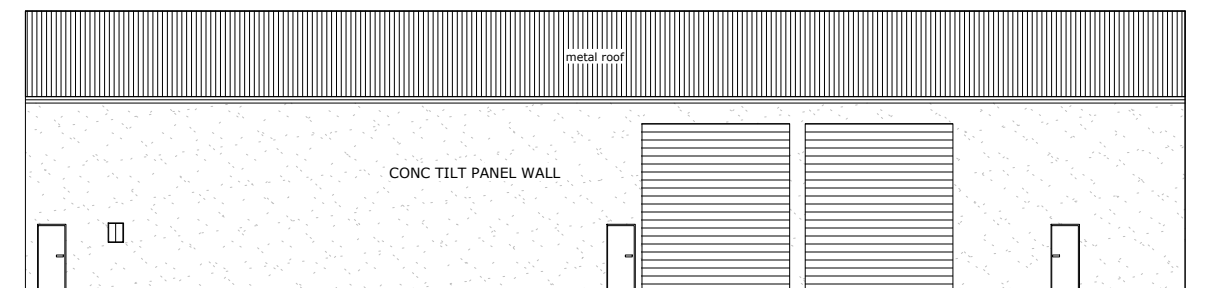
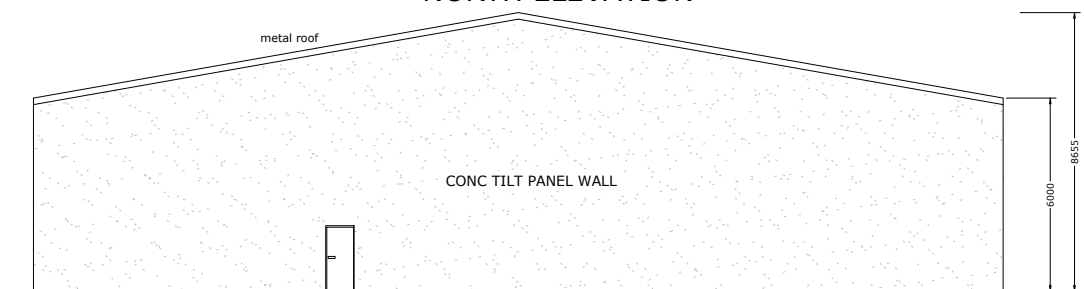
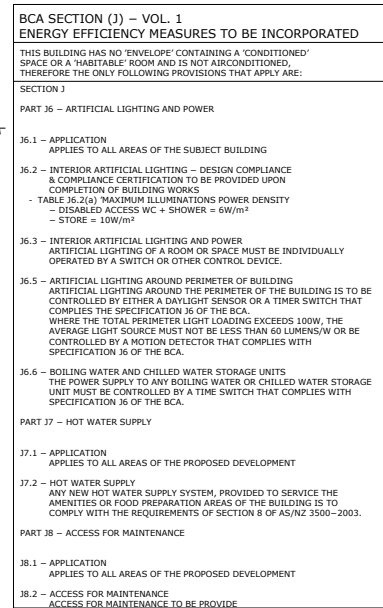
17D7 – BOILING WATER AND CHILLED WATER STORAGE UNITS
THE POWER SUPPLY TO ANY BOILING WATER OR CHILLED WATER STORAGE
UNIT MUST BE CONTROLLED BY A TIME SWITCH THAT COMPLIES WITH
SPECIFICATION J6 OF THE BCA.

PART J8 – HEATED WATER SUPPLY
J8D2 – APPLICATION - ONLY APPLIES TO FOOD PREP OR SANITARY PURPOSES
- WHERE HEATED WATER IS REQUIRED BY NCC BCA VOL3

ANY NEW HOT WATER SUPPLY SYSTEM, PROVIDED TO SERVICE THE AMENITIES OR FOOD PREPARATION AREAS OF THE BUILDING IS TO COMPLY WITH THE REQUIREMENTS OF SECTION 8 OF AS/NZ 3500-2003.

PART 39 – ENERGY MONITORING AND ON-SITE DISTRIBUTED ENERGY
J902 – APPLICATION
APPLIES TO ALL AREAS OF THE PROPOSED DEVELOPMENT - 500m2 MUST
HAVE ENERGY METERS CONFIGURED TO RECORD TIME USE AND
COMPLETION OF ENERGY MONITORING OF THE SYSTEM
J904 – FACILITIES FOR ELECTRIC VEHICLE CHARGING WHERE ~10 CAR
SPACES FOR A MIN OF 12 KW/H FROM 9:00 AM TO 5:00 PM DAILY
J905 – FACILITIES PHOTOVOLTAIC AND BATTERY SYSTEMS
MAIN ELECTRICAL CHASE/BOARD FOR BUILDING MUST CONTAIN AT
LEAST TWO EMERALC THREE-PHASE CIRCUIT BREAKER SLOTS AND FOUR
DIN RAIL SPACES LABELLED TO INDICATE USE FOR SOLAR
PHOTOVOLTAIC SYSTEMS. THE SYSTEM WITH 20% OF ROOF
AVAILABLE FOR SOLAR VOLTAGE PANELS

REDUCTION RATIO	1:100 @ A1
DATUM A.H.D.	AHD
CONTOUR INTERVAL	
DATE	
DRAWN RB	
JOB REF: 11660	SHEET 7 OF 13



PRIOR TO START OF WORKS
IT IS THE RESPONSIBILITY OF THE OWNER & BUILDER
TO CHECK ON SITE FOR PROPOSED
DESIGNS OR EXISTENCE OF STRUCTURES AND RETAINING
WALLS AND THE LIKE ON NEIGHBOURING PROPERTIES,
AND REPORT TO THIS OFFICE, AS REDESIGN OF
FOUNDATIONS WILL BE REQUIRED.
BRC WILL NOT BE HELD LIABLE IN THE ABSENCE OF
DETAILED INFORMATION OF EXISTING OR PLANNED
STRUCTURES ON NEIGHBOURING PROPERTIES, AS
THIS MAY AFFECT THE STRUCTURAL PERFORMANCE
OF THIS DESIGN TO SUPPORT THE PROPOSED BUILDING
WORKS.

USE FIGURED DIMENSIONS ONLY, DO NOT SCALE.
IF A DISCREPANCY ARISES, CHECK WITH THE
PROJECT ENGINEER AND/OR SUPERVISING AUTHORITY.
DO NOT WORK FROM REDUCED SCALE DRAWINGS
COPYRIGHT OF ALL DRAWINGS & WORKS EXECUTED
FROM THEM IS VESTED IN BR DEVELOPMENT CONSULTING
AND USE OF, THEREFORE WITHOUT WRITTEN PERMISSION,
IS STRICTLY PROHIBITED.
THE BUILDER ASSUMES RESPONSIBILITY TO ENSURE THAT ALL WORKS
ARE CARRIED OUT WITH DUE CARE AND DILIGENCE TO COMPLY WITH
THE CONTRACT DOCUMENTS.

LOCATION OF INTERNAL WALLS AND PLUMBING
MAY CHANGE DUE TO STEEL FRAME COLUMN
AND WALL GIRT SIZES
ALL DIMENSIONS TO BE CHECKED AND VERIFIED
AGAINST STEEL SHED MANUFACTURER DETAILS
PRIOR TO PLACEMENT OF PLUMBING AND SLAB

REFER TO WR STEEL PLANS FOR STRUCTURAL
PORTAL DETAILS AND COLUMN LAYOUT

SECTION J - REQUIREMENTS
The artificial lighting and power shall be designed and installed in accordance with the Part J6 of Volume One of the Building Code of Australia Amendment 1.

EL *	EXIT SIGN + EMERGENCY LIGHTING
* *	DOUBLE EMERGENCY LIGHTING

SCHEDULE OF FIRE SAFETY MEASURES PROPOSED

FIRE SAFETY MEASURES	MINIMUM STANDARD PERFORMANCE
1.) EMERGENCY LIGHTING	AS2293.1 (2018) E4D2, E4D4 BCA (22)
2.) EXIT SIGNS	AS2293.1 (2018) E4D5, E4D6 BCA (22)
3.) FIRE HYDRANT SYSTEM	AS2419.1 (2021) E1D2 BCA (22)
4.) FIRE HOSE REEL SYSTEM	AS2441 (2005) E1D3 BCA (22)
5.) PORTABLE FIRE EXTINGUISHERS/BLANKETS	AS2444 (2001) E1D2 BCA (22)
6.) HANDLE DEVICES ON EXIT DOORS (req'd exits)	D3D26,D3D27, Spec 12 BCA (22),Cl.109 EP&A Regulation (Development Certification and fire safety) Regulation 2021

IF IN DOUBT, ASK!!!!

ALL UNITS

- UNISEX DIS WC
TO AS1428.1-2009
Ceiling height 2.4m min
- Mechanical ventilation
BCA F6D6 to DWC's
- THRESHOLD RAMP
TO AS1428.1-2009
- ALL ELECTRICAL SWITCHES AND OUTLETS
TO COMPLY WITH AS1428.1 CL 14
- COLD WATER
ONLY TO WC
- HOT/COLD WATER
ONLY TO SINK
- (EF) EXHAUST FAN TO OUTSIDE



Office: 10/35 Merrigal Rd
Postal: PO Box 1076
Port Macquarie NSW 2444

Phone: (02) 6583 2733
Email: office@brconsulting.net.au

PROPOSED 16 UNIT INDUSTRIAL COMPLEX
26 FERNHILL ROAD, PORT MACQUARIE

FLOOR PLAN / ELEVATIONS UNIT 16

Client:
TRADEAIDE P/L

Job Address:
26 FERNHILL RD
PORT MACQUARIE

REV/	DATE	REMARKS	REDUCTION RATIO	1:100 @ A1
D	14/4/2022	ORIGINAL ISSUE	DATUM A.H.D	AHD
E	17/1/2023	DA ISSUE	CONTOUR INTERVAL	
E	30/6/2023	DA ISSUE	DATE	
G	15/7/2023	DA ISSUE	DRAWN RB	
H	30/3/2024	DA ISSUE		
I	30/10/2024	DA ISSUE		
J	18/3/2025	DA ISSUE		
K	10/9/2025	DA ISSUE	JOB REF: 11660	SHEET 8 OF 13

GENERAL

ALL SITE CONTOURS AND FINISHED LEVELS TO BE VERIFIED BY BUILDER ON SITE.

BOUNDARY DIMENSIONS BORDERING ON MINIMAL LOCAL COUNCIL SETBACKS TO BE VERIFIED BY SURVEYOR ON INITIAL SETOUT STAGE.

ALL CUT AND FILL BATTERS WHERE NOT RETAINED TO BE NO GREATER GRADIENT WHERE PRACTICAL OF 1:4 BATTERED EMBANKMENT.

WHERE RETAINING IS REQUIRED ANY WALL EXCEEDING 1.0m IN HEIGHT ARE TO BE DESIGNED BY A CERTIFIED ENGINEER.

TIMBER WALL FRAMING

TIMBER WALL FRAMING
IN ACCORDANCE WITH AS 1170.1 & AS1684.2-1999.
TIMBER WALL FRAMING GENERALLY 70/90*35 MGP 10 PINE WITH 70/90*45 TOP PLATES TO LOADBEARING WALLS AND STUDS AT 600 CENTRES WITH ONE ROW NOGGINGS UP TO 2.4M HIGH MAX. DOUBLE UP NOGGINS OVER WALLS OVER 2.4M HIGH.
NON-LOAD BEARING WALLS 70*35 MGP 10 PINEDOUBLEAT 600 CTS WITH ONE ROW NOGGINGS up to 2.4M HIGH. DOUBLE UP NOGGINS FOR WALLS OVER 2.4M.
BLOCK BEHIND KITCHEN AND LAUNDRY FIXTURES / HANDRAILS AND IN ACCESSIBLE WC FOR TOILETS OTHER NECESSARY FIXTURES.

WALL & CEILING LININGS

WALL AND CEILING LINING 10mm PLASTERBOARD FIXED AND FINISHED TO MANUFACTURERS RECOMMENDATIONS.

WET AREA WALL LININGS 6mm VILLABOARD OR WR PLASTERBOARD FIXED AND FINISHED TO MANUFACTURERS SPECIFICATIONS.

WET AREA WATERPROOFING IN ACCORDANCE WITH NCC BCA F2D2 AND COMPLETED BY AN APPROVED INSTALLER.

INSULATION

THERMAL PERFORMANCE TO EQUAL R2.5 TO WALLS & R1.5 TO ROOF INSULATION SHOULD MEET THE LEVELS SPECIFIED IN SECTION NSW J4D3 & SPECIFICATION 36 AND INSTALLED IN ACCORDANCE WITH AS/NZS 4859.1., AS/NZS 4859.2 SHALL BE REFERENCED FOR ROOF OR FLOOR APPLICATIONS.

TERMITE PROTECTION

THE PROTECTION OF BUILDINGS FROM TERMITE AS OUTLINED IN BCA B1D4 AND AS 3660.1 TERMITE MANAGEMENT FOR NEW BUILDING WORKS (WHERE THE PRIMARY BUILDING ELEMENTS MAY BE SUBJECT TO ATTACK BY SUBTERRAINIAN TERMITES).

BCA B1D4(i) TERMITE RISK MANAGEMENT – DOES NOT REQUIRE TERMITE PROTECTION WHERE THE PRIMARY BUILDING ELEMENT CONSISTS OF A COMBINATION OF OR ENTIRELY OF:
- METAL / CONCRETE / MASONRY AND TERMITE TREATED TIMBER IN ACCORDANCE WITH AS3660.1.
A DURABLE NOTICE IS TO BE PERMANENTLY FIXED TO THE BUILDING IN ACCORDANCE WITH BCA B1D4(i) GENERALLY IN THE METER BOX. TERMIMESH SYSTEMS BY APPROVED INSTALLER TO CONCRETE SLAB OR TERMIGUARD CHEMICAL SYSTEM BY APPROVED INSTALLER OR CONTINUOUS ANTCAP TO FLOOR FRAME PERIMETER WALLS, ISOLATED ANTCAPS TO PIERS MAY BE USED.
CHEMICAL RETICULATION SYSTEMS MUST HAVE LABELS WHICH INDICATE THE LIFE EXPECTANCY OF THE TREATMENT AS LISTED ON THE APPROPRIATE AUTHORITIES PESTICIDE REGISTRY LABEL.

GUTTERS AND DOWNPIPES

FASCIA, GUTTERS & DOWNPIPES TO BE COLOURBOND FIXED TO MANUFACTURERS INSTRUCTIONS & IN ACCORDANCE WITH BCA F1D3 & AS/NZS 3500.3. & AS 1562.1.

REFER TO 'USING LYSAGHT ROOFING & WALLS' FOR DETAILED INSTALLATION RECOMMENDATIONS.

BCA F1P3 REQUIRES & DOWNPIPES TO BE BASED ON ROOF CATCHMENT AREAS AND 5 MINUTE RAINFALL INTENSITIES/20 YEAR AVERAGE

GUTTERS TO BE SLOTTED TO ALLOW OVERFLOW
100*75mm DOWNPIPES COMPLY WITH BCA VOL 3.

GUTTER & DOWNPIPES TO BE COLOURBOND TO MANUFACTURERS INSTRUCTIONS AND IN ACCORDANCE WITH AS/NZS 3500.3 FOR BOX GUTTERS & AS 2179 FOR FASTENERS.

BRICKWORK

BRICKWORK TO BE ARTICULATED IN ACCORDANCE WITH AS 3700

ROOFING

ROOFING TO COMPLY WITH BCA F3D2 ROOF COVERINGS.

TERRACOTTA ROOF TILES FIXED IN ACCORDANCE WITH MANUFACTURING INSTRUCTIONS AND AS 2049 AND FIXINGS IN ACCORDANCE WITH AS 2050.

ROOF TILE BATTENS 38*50mm UNSEASONED HARDWOOD FIXED TO AUSTRALIAN STANDARD AS 1684

SARKING LOCATED DIRECTLY UNDER BATTENS WITH A FLAMMABILITY INDEX NOT MORE THAN 5 FOR ROOFS AND WALLS MUST COMPLY WITH AS 4200.1 and AS 4200.2.

SKYLIGHTS, ROOFLIGHTS AND WINDOWS IN OTHER THAN THE VERTICLE PLANE MUST COMPLY WITH AS1288.

METAL ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS' INSTRUCTIONS AND IN ACCORDANCE WITH AS 1562.1.

REFER TO ROOFING & WALLING MANUALS FOR DETAILED INSTALLATION INSTRUCTIONS. BATTON SPACING / FIXING METHODS / SHEET LAP / SARKING / INSULATION PLACEMENT AND TAPING & FALL WIRE PLACEMENT SHALL BE STRICTLY UNDERTAKEN TO THE MANUFACTURERS' INSTRUCTIONS.

FOR CLASS 7B BUILDINGS, AN ADDITIONAL NOTIONAL ROOF LOAD OF NOT LESS THAN 0.15Kpa TO SUPPORT THE ADDITION OF SOLAR PHOTOVOLTAIC PANELS MUST BE INCLUDED WHERE THE ROOF EXCEED 55M2 AND IS NOT SHADED BY >70% DURING THE DAY.

SLAB FOOTING CONSTRUCTION NOTES

CONCRETE PIERS / SLAB & FOOTINGS TO ENGINEERS DETAILS AND BCA B1P1 & B1P2.

REFER TO AS1170.1 & AS3600 FOR CONCRETE STRUCTURES IN FOOTINGS AND SLABS

STRIP UNDERSLAB AREA OF ALL TOPSOIL, DEBRIS & ORGANIC MATTER IF EARTHWORKS REVEAL GROUND ANOMALIES INCLUDING ROCK OR QUESTIONABLE LOOSE MATERIAL, AN ENGINEER INSPECTION MUST BE CARRIED OUT.

PIERS SHALL BE USED TO ENSURE THAT THERE IS EVEN BEARING THROUOUT THE SLAB – WITH A MINIMUM BEARING OF 150Kpa. PIERS MUST BE BEDDED INTO NATURAL SOLID GROUND A MINIMUM OF 300MM.

PIERS SHALL ALSO BE PLACED ALONG EDGE BEAMS WITHIN THE ZONE OF INFLUENCE TO MAIN INFRASTRUCTURE / SERVICES OR TRENCHES CREATED BY SERVICES OR OTHER ACTIVITIES ON THE SITE.

EAVE LININGS

EAVE LINING 4.5mm HARDI-FLEX OR SIMILAR FIXED COLORBOND STEEL OR OTHER APPROPRIATE EXTERNAL CLADDING MATERIAL.

EXTERNAL WALL CLADDING

SELECTED WALL CLADDING FIXED TO FRAME TO MANUFACTURERS INSTRUCTIONS AND BCA PART 3.5.3

GLAZING ASSEMBLIES - DOORS & WINDOWS

ALL GLAZING COMPONENTS IN WINDOWS AND DOORS SHALL COMPLY WITH AS 2047 / AS1288 AND ON AN ACCESSWAY WHERE THERE IS NO CHAIR RAIL.
HANDRAIL, OR TRANSOM ALL FRAMELESS OR FULLY GLAZED DOORS AND SIDELIGHTS MUST BE CLEARLY MARKED IN ACCORDANCE WITH AS 1428.1.

WINDOWS TO BE ALUMINIUM POWERCOATED FINISH MANUFACTURED & INSTALLED IN ACCORDANCE WITH:
* AS 2047-1996 AUSTRALIAN WINDOW CODE
* AS 1770-PART 2 & AS 2048 AUSTRALIAN INSTALLATION STANDARDS
REFER TO WINDOW SCHEDULES.

SANITARY COMPARTMENTS

BCA F4F1REQUIRES SUITABLE SANITARY FACILITIES FOR PERSONAL HYGIENE.

SANITARY FACILITIES SHALL BE PROVIDED FOR BOTH MALES AND FEMALES IN ACCORDANCE WITH BCA PART F4 AND F4D8 FOR THE REMOVAL OF UNCONSCIOUS PEOPLE BY: -

THE DOOR TO A FULLY CLOSED SANITARY COMPARTMENT (WC) TO BE:

(A) OPEN OUTWARDS
(B) SLIDE OR
(C) BE READILY REMOVABLE FROM THE OUTSIDE UNLESS THERE IS A CLEAR SPACE OF A LEAST 1.2m BETWEEN THE PAN AND THE NEAREST PART OF THE DOORWAY

SANITARY COMPARTMENTS MUST BE VENTILATED IN ACCORDANCE WITH BCA NSW F6D6 – BY MEANS OF NATURAL VENTIALTION OR MECHANICAL VENTILATION COMPLYING WITH AS 1668.2.

ACCESSIBLE UNISEX SANITARY COMPARTMENTS MUST BE PROVIDED IN EACH STOREY OF A CLASS 5, 7 OR 8 BUILDING IN ACCORDANCE WITH BCA F4D6.

EACH ACCESSIBLE UNISEX SANITARY COMPARTMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH AS 1428.1 (CURRENT BCA VERSION) UNLESS EXEMPTED BY BCA D4D5 – EXEMPTIONS.

A SANITARY FACILITY MUST HAVE A FLOOR WASTE UNLESS: -

(A) THE ROOM HAS A FLOOR SLOPING TO AN EXTERNAL DOORWAY.
(B) THE FIXTURES IN THE ROOM DO NOT HAVE INTERNAL OVERFLOWS.
(C) THE ROOM DOES NOT HAVE A SHOWER.
(D) THE ROOM DOES NOT OCCUPY AN AREA ABOVE PUBLIC SPACE OR ANOTHER SOLE OCCUPANCY UNIT.

SANITARY DRAINAGE

SANITARY DRAINAGE TO BE CONSTRUCTED IN ACCORDANCE WITH S.68 LOCAL GOVERNMENT ACT 1993, AS3500 AND BCA PART F4.

ELECTRICAL

SMOKE ALARMS FIXED & CONNECTED TO MAIN POWER TO BCA SPECIFICATION 23 & AS 3786.

SMOKE DETECTORS SHALL BE FIXED IN ACCORDANCE WITH AS 1670.1 7 BCA E2D12 FOR CLASS 7A BUILDINGS AND OTHER BASEMENTS PROVIDED WITH MECHANICAL VENTILATION SYSTEMS.

WHERE A SMOKE HAZARD MANAGEMENT SYSTEM IS INSTALLED AND IS ACTUATED BY SMOKE DETECTORS, DETECTORS MUST BE ARRANGED TO ACTIVATE THE SYSTEM IN ACCORDANCE WITH BCA S17C9 7 AS 1670.1.

FRAMING

ENGINEERED TIMBER FRAMING DESIGNED TO AS1648 & AS1720 SHALL BE USED FOR BOTH EXTERNAL & INTERNAL FRAMING APPLICATIONS. THE USE OF THESE STANDARDS FOR BOTH LOADBEARING AND NON-LOADBEARING SITUATIONS SHALL BE CONSIDERED.

ALSO REFER TO MANUFACTURES DETAILS & SPECIFICATIONS FOR ADDITIONAL DETAILS.

TIMBER FRAMING COMPONENTS SHALL NOT BE USED IN TYPE A OR B BUILDINGS WHERE EXCLUDED IN THE BCA. CONCRETE & STEEL FRAMING SHALL BE USED WHERE REQUIRED TO ACHIEVE FIRE SAFETY REQUIREMENTS. STEEL FRAMING SHALL BE CONSTRUCTED AND FIXED IN ACCORDANCE WITH AS 4100 & AS/NZS 4600 WHERE APPLICABLE.

CONCRETE STRUCTURES SHALL BE CONSTRUCTED AND FIXED IN ACCORDANCE WITH AS 3600, AS 5146.1 & AS 5216. TILT-UP CONCRETE PANELS NOT EXCEED A RISE OF 2 SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH BCA C2D12 – PERFORMANCE OF EXTERNAL WALLS IN FIRE.

STORMWATER DRAINAGE

STORMWATER DRAINAGE TO BE IN ACCORDANCE WITH AS 3500 AND REQUIRES MIN COVER TO PIPES:
* UNDER SOIL 100mm * PAVED AREAS -50mm
* TRAFFIC LIGHT REINF CONCRETE - 75mm *
LIGHT TRAFFIC PAVED AREAS -100mm MEASURED TO UNDERSIDE OF CONCRETE OR PAVING.

ACCESSIBILITY PROVISIONS

THE BUILDING SHALL HAVE SIGNAGE PROVIDED IN ACCORDANCE WITH BCA D4D7
SIGNAGE – WITH BRAILLE AND TACTILE SIGNAGE COMPLYING WITH BCA

SPECIFICATION 15 – IDENTIFYING: -
(A) EACH BANK OF SANITARY FACILITIES IN THE BUILDING.
(B) EACH EXIT DOOR REQUIRED TO HAVE EMERGENCY LIGHTING WITH: -
(I) EXIT
(II) LEVEL
(III) FLOOR LEVEL DESCRIPTOR ... OR COMBINATION.

WINDOWS

WINDOWS TO BE ALUMINIUM POWERCOATED FINISH MANUFACTURED & INSTALLED IN ACCORDANCE WITH

* AS 2047-1996 AUSTRALIAN WINDOW CODE
* AS 4055-1995 STANDARD WIND LOADS FOR HOUSING
* AS 1288-1994 RESIDENTIAL GUIDES FOR BATHROOM WINDOWS
* AS 1770-PART 2 & AS 2048 AUSTRALIAN INSTALLATION STANDARDS
REFER TO WINDOW SCHEDULES.

EGRESS DOORS

ACCESS AND FIRE EGRESS DOORS SHALL COMPLY WITH THE REQUIREMENTS OF THE BCA AS FOLLOWS: -
D3D24 – DOORS & DOORWAYS.
D3D25 – SWINGING DOORS.
D3D26 – OPERATION LATCH.
D3D28 – SIGNS ON DOORS.
AN EXIT DOOR MUST SWING IN THE DIRECTION OF EGRESS AND WHERE ABLE TO BE BLOCKED BY VEHICULAR TRAFFIC MUST HAVE BOLLARDS TO PROTECT THE DOOR SWING FROM BEING BLOCKED OR THE EGRESS INHIBITED IN ACCORDANCE WITH BCA D2D15.

STAIRS & BALUSTRADES

RISER AND GOING TO COMPLY TO BCA Table D3D14.
LANDINGS TO BCA D3D15.
SLIP RESISTANCE TO BCA Table D3D15.
THRESHOLDS TO BCA NSW D3D16.
BARRIERS TO PREVENT FALLS TO BCA D3D17.
BALUSTRADES TO BCA D3D19 / D3D20 & D3D21.
HEIGHT OF BALUSTRADE TO BE MIN 1000mm TO LANDINGS AND BALCONIES AND MIN 865mm ABOVE THE NOSING OF THE STAIR TREADS.

NOTE: A TRANSITION IS ALLOWED WHERE THE BALUSTRADE HEIGHT CHANGES.

SECTION J - ENERGYEFFICIENY MEASURES

THE CONSTRUCTION OF THE BUILDING SHALL BE CONSTRUCTED TO COMPLY WITH THE FOLLOWING SECTION J NSW VARIATIONS: -
PART J4 - BUILDING FABRIC
PART J5 – BUILDING SEALING
PART J7 – ARTIFICIAL LIGHTING & POWER
PART J8 – HEATED WATER SUPPLY
PART J9 – ENERGY MONITORING AND ON-SITE DISTRIBUTED ENERGY RESOURCES.

CAR PARKING

CAR PARKING FOR PEOPLE WITH DISABILITIES SHALL BE PROVIDED IN ACCORDANCE WITH BCA D4D6 ACCESSIBLE PARKING AND MUST COMPLY WITH AS/NZS 2890.6.

ALL CAR PARKING SHALL BE ADEQUATELY DELINEATED BY LINES COMPLYING WITH AS 2890.1 AND 2890.6 WITH SUITABLE SIGNAGE / CIRCULATION SPACES / AISLE WIDTHS AND PARKING SPACES PROVIDED BY THE STANDARDS.

FIRE SERVICES

THE FOLLOWING FIRE SERVICES SHALL COMPLY WITH THE REQUIREMENTS OF THE BCA AS FOLLOWS: -
E1D2 – FIRE HYDRANTS (UNLESS COVERAGE VIA STREET HYDRANTS COMPLIES).
E1D3 – FIRE HOSE REELS (BUILDING >500M2).
E1D9 – SPRINKLERS WHERE MORE THAN 40 CARS IN A CLASS 7A BUILDING.
E1D14 – PORTABLE FIRE EXTINGUISHERS.

IF IN DOUBT, ASK!!!!



PROPOSED 16 UNIT INDUSTRIAL COMPLEX
26 FERNHILL ROAD, PORT MACQUARIE

GENERAL SPECIFICATION
CLASS 5,7,8

Client:
TRADEAIDE P/L
Job Address:
26 FERNHILL RD
PORT MACQUARIE

REV	DATE	REMARKS	REDUCTION RATIO	1:100 @ A3
D	14/4/2022	ORIGINAL ISSUE	DATUM A.H.D.	AHD
E	30/6/2023	DA ISSUE	CONTOUR INTERVAL	
G	15/7/2023	DA ISSUE	DATE	
H	30/3/2024	DA ISSUE	DRAWN RB	
I	30/10/2024	DA ISSUE		
J	18/3/2025	DA ISSUE		
K	10/9/2025	DA ISSUE		
JOB REF: 11660			SHEET 9 OF 13	

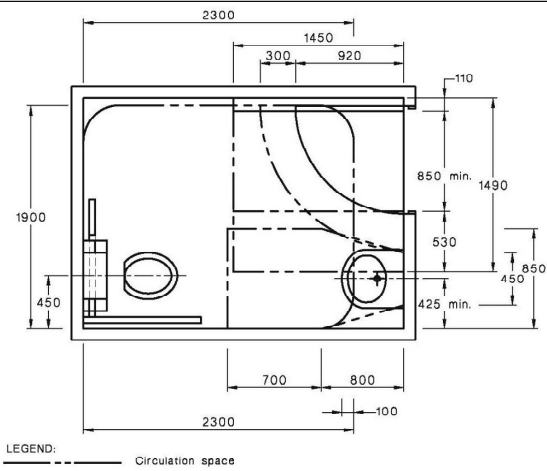


FIGURE 52 EXAMPLE OF OVERLAPPING CIRCULATION SPACES IN A SANITARY COMPARTMENT

16 SANITARY COMPARTMENT FOR PEOPLE WITH AMBULANT DISABILITIES

16.1 General

Sanitary compartment for people with ambulant disabilities shall be in accordance with Figures 53(A) and 53(B).

16.2 Grabrails

Grabrails shall be installed in accordance with Clause 17 and Figure 53(A).

16.3 Doors

Doors to sanitary compartments for people with ambulant disabilities shall have openings with a minimum clear width of 700 mm, and shall comply with Figure 53(B).

Doors shall be provided with an in-use indicator and a bolt or catch. Where a snib catch is used, the snib handle shall have a minimum length of 45 mm from the centre of the spindle. In an emergency, the latch mechanism shall be openable from the outside.

16.4 Signage

Sanitary compartment for people with ambulant disabilities shall be identified by symbol or words, as specified in Clause 8.

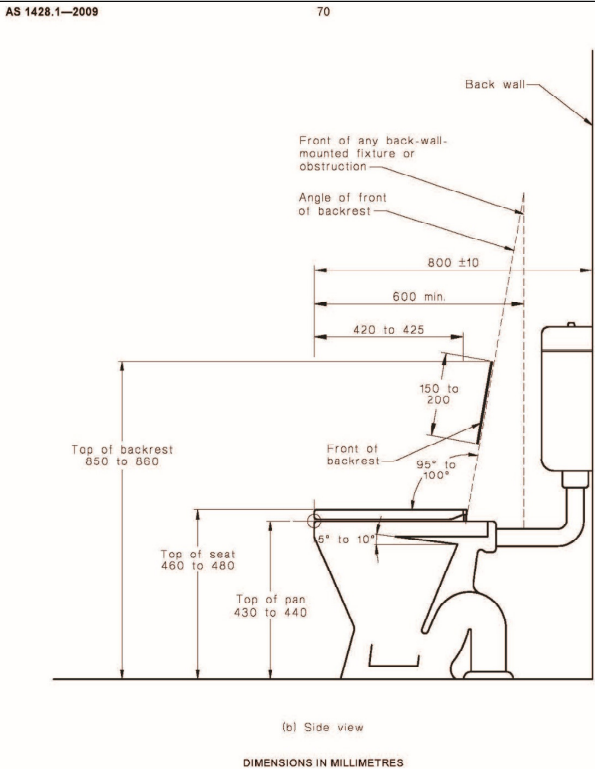


FIGURE 39 (in part) WATER CLOSET INSTALLATION

15.2.5 Flushing control

Flushing controls shall be user activated, either hand operated or automatic. Where hand-operated flushing controls are used, they shall be located within the zone shown in Figure 40, or centred on the centre-line of the toilet, wholly within the vertical limits of that zone. The position of the flushing control within this zone shall not be within the area required for any grabrails. The flushing control shall be proud of the surface and shall activate the flush before the button becomes level with the surrounding surface.

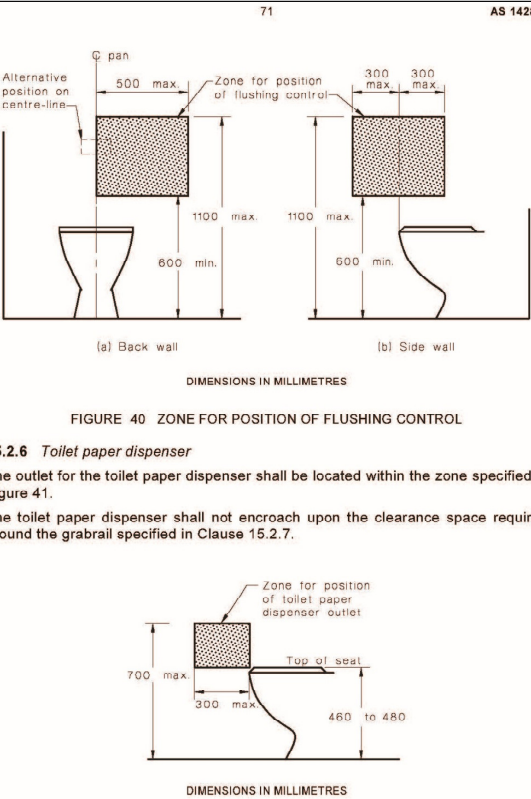


FIGURE 40 ZONE FOR POSITION OF FLUSHING CONTROL

15.2.6 Toilet paper dispenser

The outlet for the toilet paper dispenser shall be located within the zone specified in Figure 41.

The toilet paper dispenser shall not encroach upon the clearance space required around the grabrail specified in Clause 15.2.7.

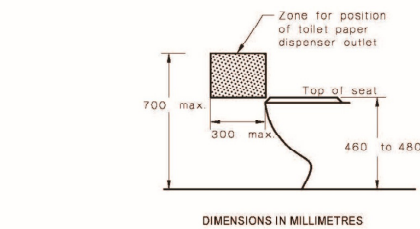


FIGURE 41 ZONE FOR POSITION OF TOILET PAPER DISPENSER

15.2.7 Grabrails

Where a concealed or high-level cistern or flush valve is used, a continuous grabrail, as specified in Clause 17, shall be provided across the rear wall and side wall nearest the WC pan, as shown in Figure 42. Where a low-level non-concealed cistern or flush valve is used, the grabrail shall be terminated at each side of the cistern, as shown in Figure 42.

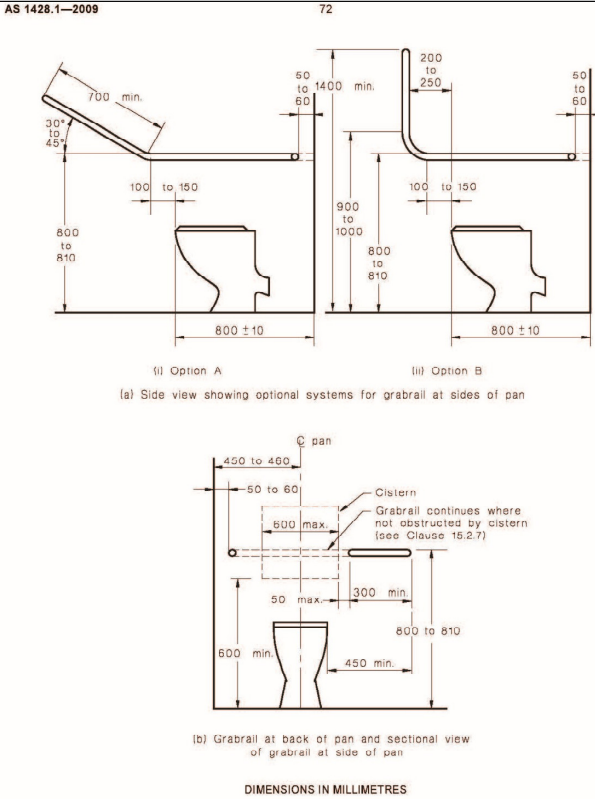
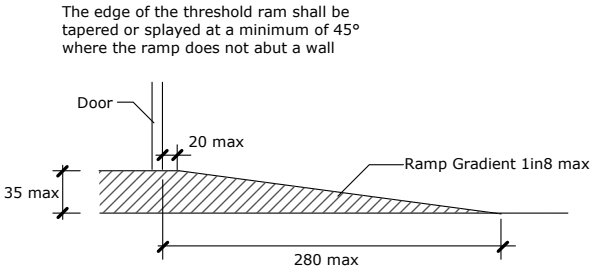
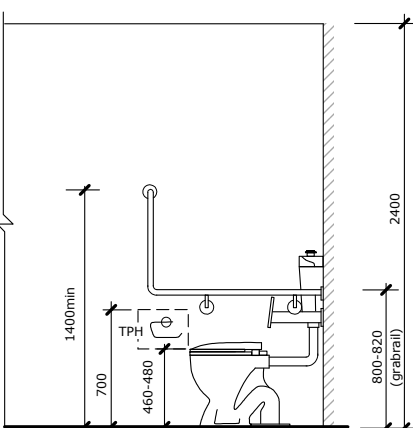
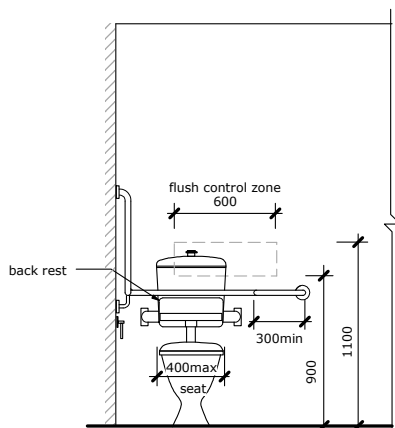
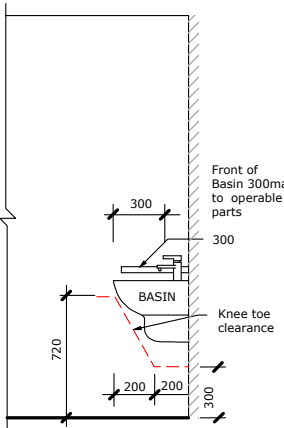
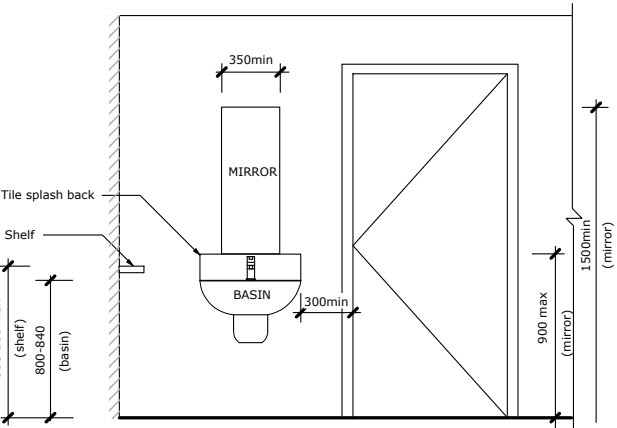


FIGURE 42 POSITIONS OF GRABRAILS IN WATER CLOSETS



SCHEDULE OF FIRE SAFETY MEASURES PROPOSED	
FIRE SAFETY MEASURES	MINIMUM STANDARD PERFORMANCE
1.) EMERGENCY LIGHTING	AS2293.1 (2018) E4D2, E4D4 BCA ('22)
2.) EXIT SIGNS	AS2293.1 (2018) E4D5, E4D6 BCA ('22)
3.) FIRE HYDRANT SYSTEM	AS2419.1 (2021) E1D2 BCA ('22)
4.) FIRE HOSE REEL SYSTEM	AS2441 (2005) E1D3 BCA ('22)
5.) PORTABLE FIRE EXTINGUISHERS/BLANKETS	AS2444 (2001) E1D14 BCA ('22)
6.) HANDLE DEVICES ON EXIT DOORS (req'd exits)	D3D26, D3D27, Spec 12 BCA ('22), CI.109 EP&A Regulation (Development Certification and fire safety) Regulation 2021

USE FIGURED DIMENSIONS ONLY. DO NOT SCALE.
IF A DISCREPANCY ARISES, CHECK WITH THE
PROJECT ENGINEER AND/OR SUPERVISING AUTHORITY.
DO NOT WORK FROM REDUCED SCALE DRAWINGS
COPYRIGHT OF ALL DRAWINGS & WORKS EXECUTED
FROM THEM IS VESTED IN BR DEVELOPMENT CONSULTING
AND USE OF, THEREFORE WITHOUT WRITTEN PERMISSION,
IS STRICTLY PROHIBITED.
IT IS THE BUILDERS RESPONSIBILITY TO ENSURE THAT ALL WORKS
ARE CARRIED OUT WITH DUE CARE AND DILIGENCE TO COMPLY WITH
THE CONTRACT DOCUMENTS.

LOCATION OF INTERNAL WALLS AND PLUMBING
MAY CHANGE DUE TO STEEL FRAME COLUMN
AND WALL GIRT SIZES
ALL DIMENSIONS TO BE CHECKED AND VERIFIED
AGAINST STEEL SHED MANUFACTURER DETAILS
PRIOR TO PLACEMENT OF PLUMBING AND SLAB

 **B.R. Development Consulting**
Surveying • Civil & Structural Engineering • Planning

Office: 10/35 Merrigal Rd
Postal: PO Box 1076
Port Macquarie NSW 2444

Phone: (02) 6583 2733
Email: office@brconsulting.net.au

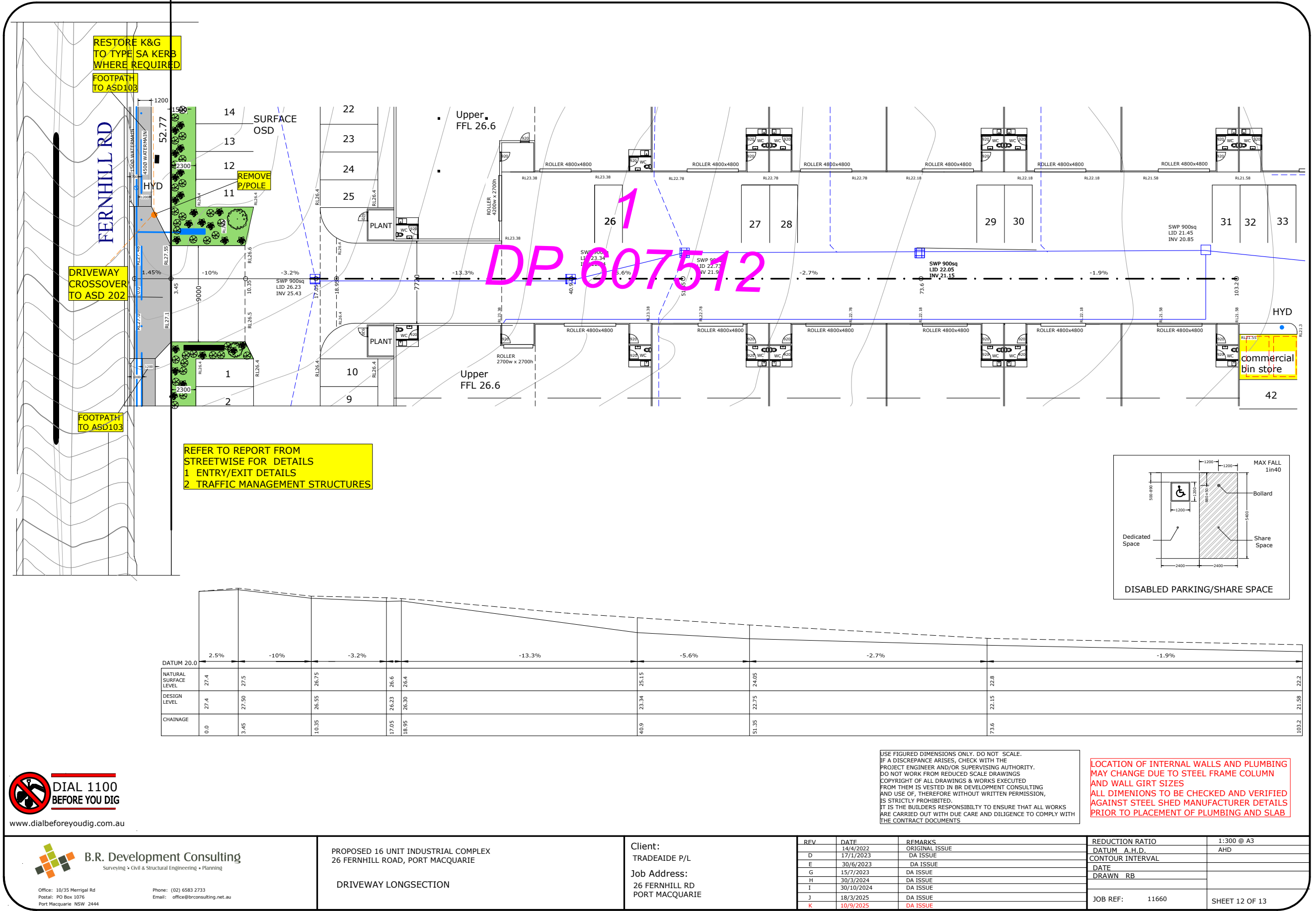
PROPOSED 16 UNIT INDUSTRIAL COMPLEX
26 FERNHILL ROAD, PORT MACQUARIE

DISABLED FACILITY DETAILS

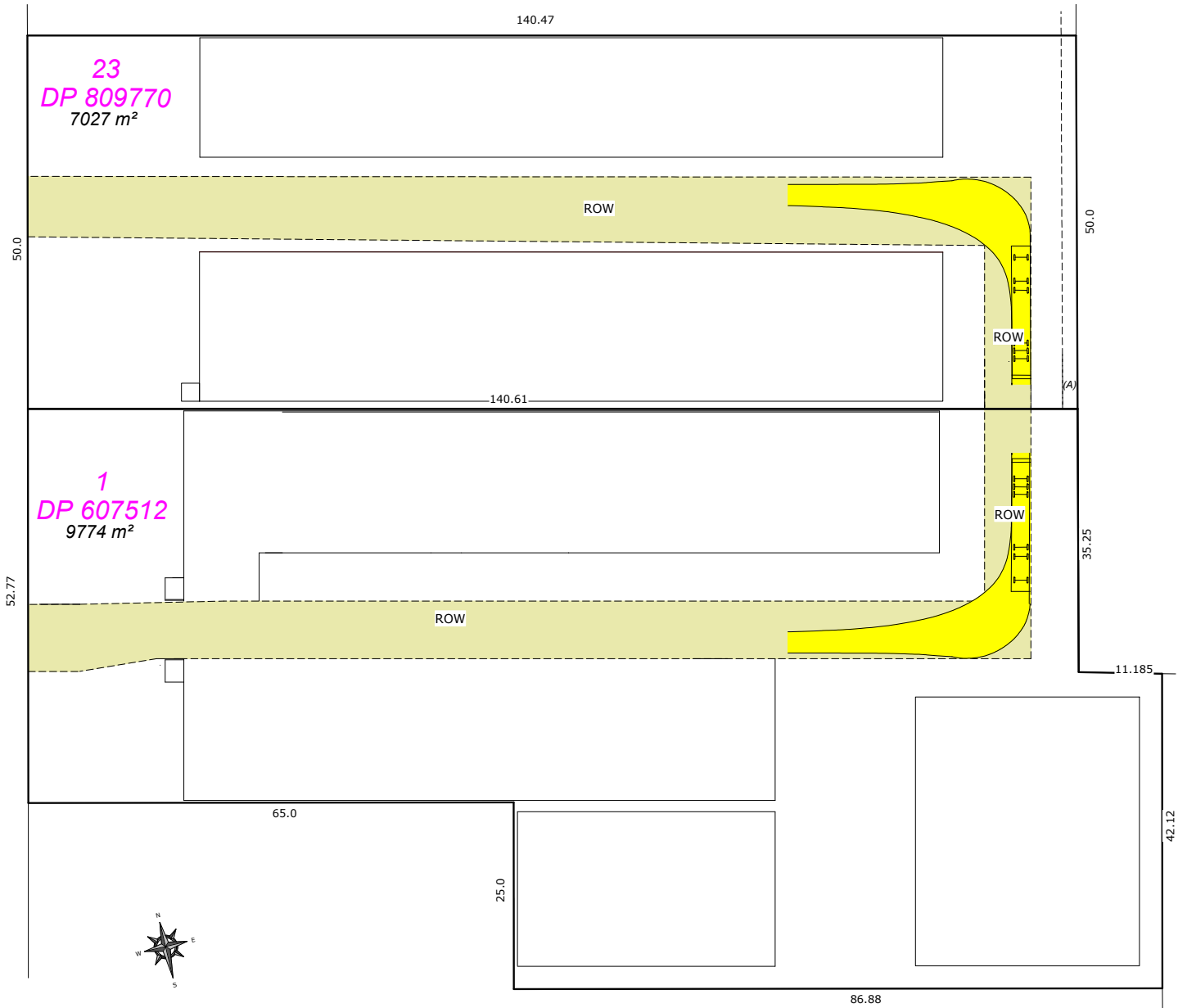
Client:
TRADEAIDE P/L
Job Address:
26 FERNHILL RD
PORT MACQUARIE

REV	DATE	REMARKS
D	14/4/2022	ORIGINAL ISSUE
E	17/1/2023	DA ISSUE
F	30/6/2023	DA ISSUE
G	15/7/2023	DA ISSUE
H	30/3/2024	DA ISSUE
I	30/10/2024	DA ISSUE
J	18/3/2025	DA ISSUE
K	10/9/2025	DA ISSUE

REDUCTION RATIO	1:100 @ A3
DATUM	A.H.D.
CONTOUR INTERVAL	
DATE	
DRAWN	RB
JOB REF:	11660
SHEET	11 OF 13



FERNHILL RD



ROA - VAR WIDTH

CAUTION
THIS PLAN IS PRELIMINARY AND IS
SUBJECT TO COUNCIL APPROVAL,
FURTHER SURVEY & INVESTIGATION,
& REGISTRATION AT THE LAND TITLES
OFFICE.
ALL AREAS & DIMENSIONS ARE
SUBJECT TO CONFIRMATION

PREPARED BY:
B.R. Development Consulting
Surveying • Civil & Structural Engineering • Planning
Office: 10/15 Merrigall Rd
Postal: PO Box 1076
Port Macquarie NSW 2444
Phone: (02) 6583 2733
Email: office@brdevelopment.com.au

SH 13 OF 13

Surveyor : Murray Dalton
of Beukers & Ritter Consulting P/L
Surveyor's Ref : 11660
Subdivision No :

Registered

DP

Lengths are in metres. Reduction Ratio 1:500

10	20	30	40	50	60	Table of mm	90	100	110	120	130	140
----	----	----	----	----	----	-------------	----	-----	-----	-----	-----	-----

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Developer Charges - Estimate

Applicants Name: Trade Aide Pty Ltd
Property Address: 26 Fernhill Road, Port Macquarie
Lot & Dp: Lot(s):1,DP(s):607512
Development: General Industrial Units, hardware and Building Supplies and Warehouses



154.2024.0043.01

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 Water Supply - Hastings	0	\$7,186.00	\$51,890.10
2 Sewerage Scheme - Port Macquarie	0	\$5,488.00	\$7,924.60
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%	\$13,964,799	\$139,647.00
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)			\$199,461.70

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-Sep-2025
Estimate Prepared By Chris Gardiner

This is an ESTIMATE ONLY - NOT for Payment Purposes

PORT MACQUARIE-HASTINGS COUNCIL

Item: 06
Subject: DA2025 - 306.1 Alterations and Additions to Dwelling including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 2 DP 569792, No. 937 Ocean Drive, Bonny Hills

Report Author Development Assessment Planner, Chris Gardiner

Applicant: R Bacon
Owner: J S Brown
Estimated Cost: \$624,000
Parcel no: 15369

Alignment with Delivery Program

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

Recommendation

That it be recommended to Council that DA2025 - 306.1 for Alterations and Additions to Dwelling including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 2, DP 569792, No. 937 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions to the existing dwelling 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, no submissions were received.

Based on the assessment undertaken it is considered that the site is suitable for the proposed development and the proposal adequately addresses the objectives of the 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 Clause 4.6 exception to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) be supported and that the development application be approved subject to the attached conditions. (Attachment 1)

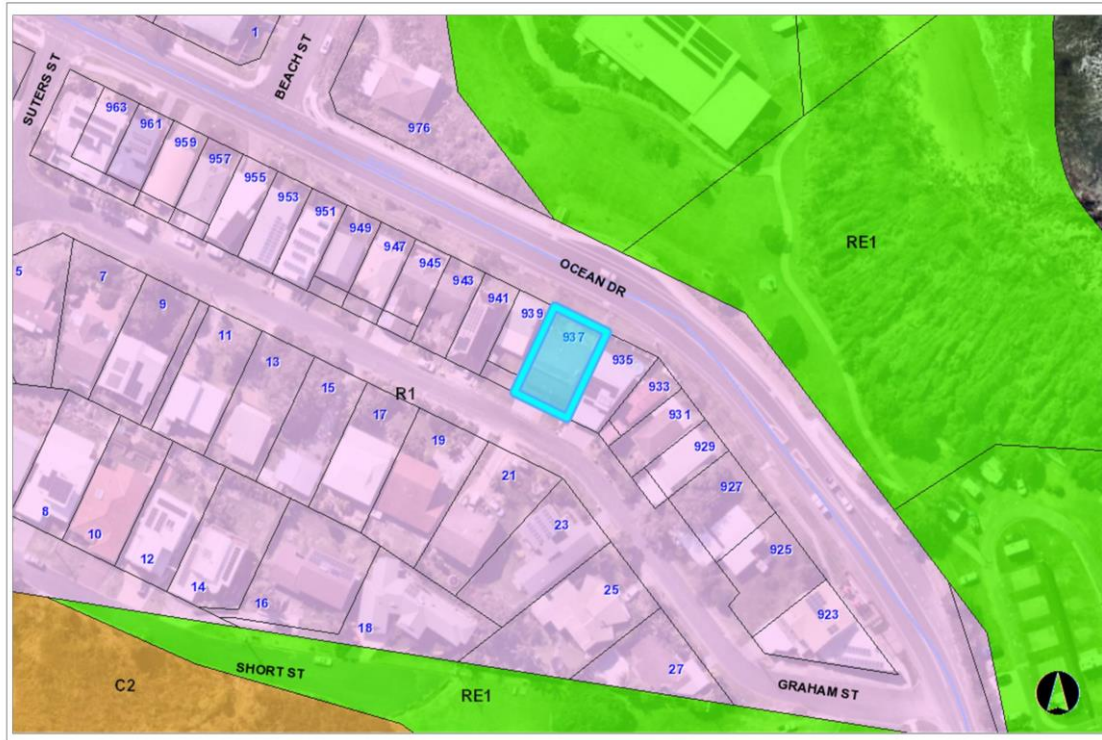
The reason for the application being referred to Council's Development Assessment Panel (DAP) is because the application includes a Clause 4.6 exception to a development standard under the Port Macquarie-Hastings Local Environmental Plan 2011 exceeding 10%. A copy of the DAP Charter outlining the delegations 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 371.8m².

The site is zoned R1 General Residential 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:

- Part demolition of the existing dwelling.
- Construction of alterations and additions including internal reconfiguration of spaces, changes to external finishes, windows and doors, changes to the second floor walls and roof form, addition of 2 new balconies, and new front fences.

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

Application Chronology

- 26 May 2025 - Application accepted for lodgement.
- 3 June 2025 - Essential Energy comments received.
- 6 June 2025 to 20 June 2025 - Neighbour notification.
- 21 July 2025 - Additional information requested from Applicant.
- 27 August 2025 - Additional information submitted by Applicant.
- 9 September 2025 - Further additional information submitted by Applicant.

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 4.10 - Council is not prevented from granting consent in this case for the following reasons:

1. The property is not subject to a KPOM, and
2. The site is not considered to be core koala habitat.

**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.

Clause 2.8 - The site is in the proximity area to littoral rainforest located to the north-east of the site across Ocean Drive. The proposed development is not considered likely to result in any of the following:

- (a) identifiable adverse impacts on the biophysical, hydrological and ecological integrity of the nearby littoral rainforest, or
- (b) identifiable impacts to water flows to the nearby littoral rainforest.

The proposed works are largely within the existing building footprint and drain to the existing road drainage system, with no discharge to the littoral rainforest.

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 not incompatible with the surrounding coastal and built environment. The site is predominately cleared and located within an area zoned for residential 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
Chapter 2 - Standards for residential development - BASIX	
<p>2.1 Standards for BASIX development and BASIX optional development</p> <p>(1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.</p> <p>(2) Schedule 2 sets out the standards that apply to—</p> <p>(a) BASIX development referred to in paragraph (c) or (d) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021, and</p> <p>(b) BASIX optional development if the development application or the application for a complying development certificate was accompanied by a BASIX certificate.</p> <p>Making the (3) The standard specified in Schedule 2, section 4 extends to a swimming pool or spa that has a capacity of less than 40,000L if the swimming pool or spa is part of development referred to in paragraph (c) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.</p> <p>(4) A standard specified in Schedule 1 or 2 does not apply to development involving a heritage item or in a heritage conservation area to the extent that the Planning Secretary is satisfied that the development is not capable of achieving a standard because of other development controls that apply.</p>	<p>A BASIX certificate has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.</p>
(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2	The BASIX Certificate quantifies the embodied emissions.

<p>apply 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>	
--	--

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 provided the Applicant for consideration.

Clause 2.119 - The site has frontage to a classified road (Ocean Drive). Access to the site is provided from Graham Street, and there is no direct vehicular access to the classified road. The proposed development will remain for a single dwelling and is not anticipated to generate any additional traffic.

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 R1 General Residential.
- Clause 2.3(1) and the R1 zone land use table - The proposed development for a dwelling house is a permissible land use with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- Clause 2.3(2) - The proposal is consistent with the zone objectives as it will contribute to the variety of housing types and densities to meet the housing needs of the community.
- Clause 2.7 - The demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.3 - This clause establishes the maximum "height of a building" (or building height) that a building may be built to on any parcel of land. The term "building height (or height of building)" is defined in the LEP to mean "*the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like*". The term "ground level (existing)" is also defined in the LEP to mean "*the existing level of a site at any point*".

The building height limit for the site is identified on the Height of Buildings Map as being 8.5m. The proposed development has an overall height of 8.95m and exceeds the height by 0.45m, which represents a variation of 5.3%.

The Applicant has submitted a written request for an exception to this development standard in accordance with Clause 4.6 of the LEP.

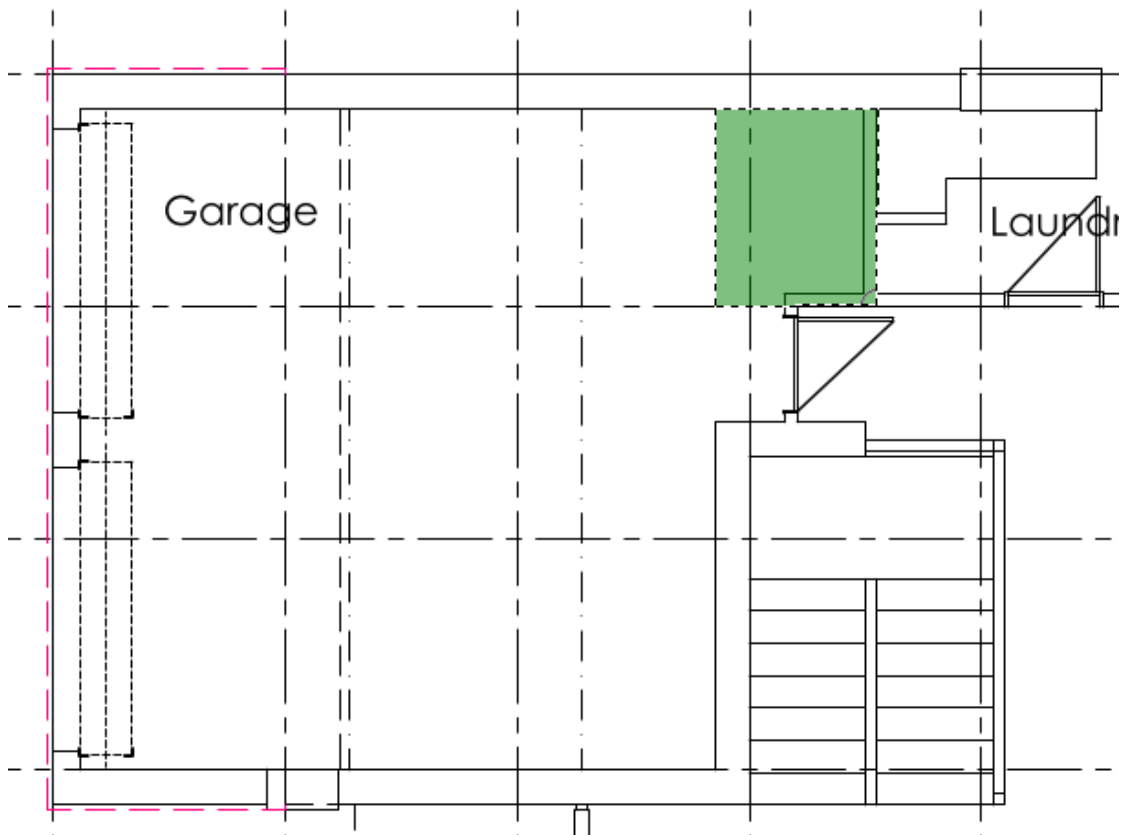
- Clause 4.4 - This clause establishes the maximum "floor space ratio" for development on the land. 'Floor space ratio' is defined as '*the ratio of the gross floor area of all buildings within the site to the site area*'. 'Gross floor area' is defined as '*the sum of the floor area of each floor of a building measured from the*

internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*
- but excludes:*
 - (d) any area for common vertical circulation, such as lifts and stairs, and*
 - (e) any basement:*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
 - (h) any space used for the loading or unloading of goods (including access to it), and*
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and*
 - (j) voids above a floor at the level of a storey or storey above.'*

The maximum floor space ratio specified on the Floor Space Ratio Map for the land is 0.65:1.

The Applicant's FSR calculation plan is generally correct in showing the areas excluded from the gross floor area of the building, with the exception of a storage area at the rear of the garage on Level 2, as shown below.



This space is not car parking required to meet any requirements of the consent authority (including access to that car parking) and therefore cannot be excluded from the gross floor area of the building. The area equates to an additional 2.4m², making the total gross floor area 318.6m².

The subject site has an area of 371.8m². The floor space ratio (FSR) of the development is therefore 0.86:1, which exceeds the maximum FSR of 0.65:1 by 32% (or 77m² of gross floor area).

The Applicant has submitted a written request for an exception to this development standard under Clause 4.6 of the LEP, which is discussed below.

- Clause 4.6 - This clause establishes a degree of flexibility for certain development standards in certain circumstances which have demonstrated that a better planning outcome will occur from that flexibility. Assistance on the approach to variation to this standard is also taken from NSW Land and Environment Court and NSW Court of Appeal decisions in:

*Wehbe v Pittwater Council (2007) NSW LEC 827 (Wehbe);
Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 1009; and
Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) NSWCA 245*

Clause 4.6(3) provides the following:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.*

In *Wehbe* 'five methods' have been developed to test whether a compliance with the standard is unreasonable or unnecessary.

1. The objectives of the standard are achieved notwithstanding the non-compliance with the numerical standard.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting a consent to development departing from the standard and hence compliance is unreasonable or unnecessary.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land.

The Applicant has submitted a request in writing that seeks to justify that the contravention is unreasonable or unnecessary on the following basis:

Height of Buildings

The application relies upon the third method in *Wehbe* as detailed below:

- The existing building supports an approved building height of 9.68m, as measured per the current definition of "building height" (from existing ground levels). The application will reduce that building height to 8.95m; or a reduction of 0.73m. The only reason that a variation request is required is based upon the strict imposition of prescriptive and current HOB controls whereby building height is measured from existing ground levels.
- The variation request is purely academic as there is no departure to HOB controls when one considers what the existing ground levels were at the time of building was approved.

- There is no increase in building height that would otherwise tend to have the ability to increase offsite impacts. The application will, in fact, reduce the height of the structure.
- Strict compliance with the HOB development standard would render the application not feasible and contrary to the objects of the EP & A Act, 1979.
- The absence of a variation, in the form of increased building height, as it pertains to perceived bulk and scale of the structure, ensures no further environmental impacts to surrounding properties and maintains, for all intents and purposes, the vertical building footprint.
- The reduction in building height to that which was previously approved by Council is minor and, we would suggest, imperceptible from the adjacent street and points of public perception (public domain).
- The proposed building alterations respect and maintain the level of amenity enjoyed by adjoining properties while achieving the objectives of the zone. There are no perceptible impacts and rather the reduction in building height; irrespective of a variation to current HOB controls measured from existing ground levels, is deemed superior.

Floor Space Ratio

In this instance the existing FSR of the dwelling already substantially exceeds the maximum of 0.65:1 specified for the site. The existing dwelling on the site was originally approved under BA1979 - 21 with a gross floor area (GFA) of 283m² (Level 1 - 97.6m², Level 2 - 105.7m², Level 3 - 79.7m²).

Further alterations and additions to the dwelling were carried out under BA1993 - 1540, to relocate the bathroom, convert the previous bathroom to a study and retreat, and extend Bedroom 2 (all works on Level 3 of the building). These works increased the Level 3 GFA to 88.8m² and the total GFA of the dwelling to 292m². The approved floor area of the existing dwelling equates to a floor space ratio of 0.79:1.

The building appears to have increased to its current GFA of 318.6m² (FSR 0.86:1) as a result of the enclosure of the Level 1 patio and part of the Level 2 balcony, and conversion of the original carport to a garage. However, there is no record of any consent for this work, and the proposal must therefore be assessed on the basis that it will result in an increase to the existing approved FSR of 0.79:1.

The application relies upon the first method in *Wehbe* to justify the variation. The Applicant considers that the proposed development is consistent with the objective of Clause 4.4 as discussed below.

(a) to regulate density of development and generation of vehicular and pedestrian traffic

The density of the development is unchanged from the historic approvals and unauthorised works which are sought to be regularised through this proposal. The development remains for the purpose of a single dwelling house with the same number of bedrooms and is not expected to generate any additional vehicular or pedestrian traffic.

(b) to encourage increased building height and site amalgamation at key locations

Not applicable to this proposal.

(c) to provide sufficient floor space for high quality development for the foreseeable future

The application before Council seeks to retain the existing floor area. In order to comply with Council's current prescriptive FSR controls approximately 77m² of floor space would need to be removed from the building, which is contrary to the objective of providing sufficient floor space. The existing FSR has produced no adverse impacts on the locality and is deemed suitable and sufficient floor space for the foreseeable future.

(d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

Council has already approved the existing built structure set upon the site and hence established that the development provides for an appropriate correlation between the size of the site and the building.

The Clause 4.6 written request includes an analysis of other nearby dwellings in Ocean Drive, which confirms that there is an established character of higher density dwellings in the locality. This is largely due to the smaller lot sizes created by the original subdivision (prior to the current 450m² minimum lot size).

Examples of other dwellings in the locality that exceed the current FSR controls include:

- 929 Ocean Drive - FSR 0.82:1.
- 935 Ocean Drive - FSR 0.75:1.
- 941 Ocean Drive - FSR 0.73:1.
- 949 Ocean Drive - FSR 0.68:1.
- 951 Ocean Drive - FSR 0.72:1.
- 955 Ocean Drive - FSR 0.78:1.
- 961 Ocean Drive - FSR 1.25:1.
- 977 Ocean Drive - FSR 0.91:1.

A number of these examples include approved alterations and additions since the FSR controls were adopted in 2011. Based on this evidence, it is considered that the proposed development would be compatible with the existing character of the locality.

The Applicant's reasoning for compliance with the development standards for building height and FSR being unreasonable or unnecessary is consistent with the tests in Wehbe.

The Applicant's written request identified the following environmental planning grounds to justify contravening the development standard:

Height of buildings

- Does not give rise to any measurable or unreasonable visual impacts from the public domain. The design and appearance of the development is improved with the perceived prominence of the building unchanged.
- Does not produce any environmental or amenity impacts to surrounding or adjoining properties.
- Permits a reduction in approved and existing building height with the variation to building height, under current HOB controls, being entirely academic.
- The existing dwelling remains permissible with consent within the zone.
- The proposed development is entirely consistent with the underlying objective or purpose of the standard.
- The existing development was approved by Council establishing the existing building height at a point in the past when existing ground levels

established a compliant building height of 7.9m AHD (Bacad Design – Sheet DA.07); as is evidenced by the remaining topography of lands in the side and rear setback areas of the site along with adjoining and surrounding lands. There is no variation to HOB development standards albeit it is the imposition of how building height is currently measured, from existing ground levels, that produces a perceived variation.

Floor space ratio

- The variation permits and retains a density of development that is commensurate with other residential development in the Bonny Hills locality. The locality is characterised predominately by dwelling houses of single, double and triple storey construction. Recent development provides larger dwellings with generously sized footprints, and areas which can accommodate the needs of larger families. The proposed variation retains functional and rational uses within available and previously approved space encapsulated within the built environment.
- The existing (historic) development is not considered excessively large with the conversion of use of an existing floor space deemed consistent with contemporary demands. The variation permits one to achieve and retain an appropriate density, bulk and scale of development appropriate for the subject site and to ensure that the density, bulk and scale of development continues to integrate with the streetscape and character of the area in which the development is located.
- The variation permits a density which is appropriate in a zone which accommodates a range of residential accommodation and the objectives to provide for a variety of densities and housing needs. The exceedance of the FSR standard upholds providing for the housing needs of the community within a general residential environment whilst encouraging best practice in the design of general residential development.
- Floor space ratio is also concerned with controlling building scale, being the size of a building and its relationship with surrounding buildings and landscape. The proposed development retains the existing built environment's positive relationship with existing and surrounding development, as the development simply retains the existing use of space. On the basis of this, there is no change in the building scale and rather we submit is entirely consistent with the bulk and scale of approved development in the surrounding area. The following Table details the various applications that have secured Council's support to variations of both FSR and HOB controls. It is the existing form of development in the surrounding area that tends to support the proposal including the enclosure of what was previously second floor outdoor private open space. On the basis of this, the existing character of the area is sustained without impact; albeit with a variation to current FSR controls.

It is considered that the Applicant's written request has demonstrated sufficient environmental planning grounds to support the proposed variations to both the height of building and floor space ratio controls.

On the basis of the above, it is considered that the Applicant's clause 4.6 variation has adequately addressed the matters required to be demonstrated by Clause 4.6(3) and it is recommended that the variation be supported.

In accordance with the Department of Planning and Environment's *Guide to Varying Development Standards*, the proposed variation to the floor space ratio development standard is 10% or more and the application is required to be determined by the elected Council.

- Clause 5.10 - Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- 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

DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	A satisfactory Waste Management Plan has been submitted addressing demolition, construction, and operational waste. The submitted plans identify skip bin locations within the site during the demolition and construction phase.	Yes
Cut and Fill Regrading			
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).	The majority of the works are within the footprint of the existing building. Some minor earthworks are proposed for the new fencing and planter box on the Ocean Drive frontage, with less than 1m cut and fill required.	Yes
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	N/A	N/A
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; 	N/A	N/A

	<ul style="list-style-type: none"> the fence component has openings which make it not less than 25% transparent; and provide a 3m x 3m splay for corner sites, and provide a 900mm x 900mm splay for vehicle driveway entrances. 		
--	---	--	--

DCP 2013: Part B - General Provision - B3: Hazards Management

DCP Objective	Development Provisions	Proposed	Complies
Bushfire Hazard Management			
18	a) APZs are to be located outside of environmental protection zones and wholly 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.	No APZ proposed on environmental land.	Yes
	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

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

DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
23	a) New direct accesses from a development to arterial and distributor roads is not permitted. Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	The development has access from Graham Street, with no direct vehicular access to Ocean Drive.	Yes
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	N/A	N/A
	c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned:	Proposal will retain the existing crossover to Graham Street. No additional crossovers proposed.	Yes

	<ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 		
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>1 parking space per each dwelling for dwelling-houses/dual occupancies/semi-detached dwellings.</p>	Existing double garage retained.	Yes
	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.	N/A	N/A
	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

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention

DCP Objective	Development Provisions	Proposed	Complies
Crime Prevention			
43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> – Casual surveillance and sightlines; – Land use mix and activity generators; – Definition of use and ownership; – Basic exterior building design; – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	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

DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development			
DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"> – an entry feature or portico; – a balcony, deck, patio, pergola, terrace or verandah; – a window box treatment; – a bay window or similar feature; – an awning or other feature over a window; – a sun shading feature. <p>b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.</p>	<p>4.19m setback to Ocean Drive for new Level 2 balcony.</p> <p>3.66m setback to Graham Street for Level 3 curved architectural features on southern elevation.</p>	Yes
	<p>c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m</p>	<p>Ocean Drive (classified road) - 6.25m.</p> <p>Graham Street - 4.18m to building wall (Level 3) and 1.54m to garage (Level 2).</p> <p>The variations to the setback controls for Graham Street relate to existing building elements, and the proposal would not result in any additional encroachment into the front setback.</p>	No, but acceptable for existing building elements.
45	<p>a) A garage, carport or car parking space should:</p> <ul style="list-style-type: none"> – be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or —be at least 5.5m from a front boundary, where 	<p>Garage setback 1.54m from Graham Street and forward of the building line.</p> <p>The variations to the garage setback relate to an existing building element, and the proposal would not result in any</p>	No, but acceptable for existing building element.

	the dwelling(s) has a setback of less than 4.5m.	additional encroachment into the front setback.	
	b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.	4.89m combined width of garage openings. 38% of the width of the building.	Yes
	c) Driveway crossovers are no greater than 5.0m in width.	Existing crossover to be retained.	N/A
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.	N/A	N/A
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	The site has two road frontages and doesn't have a rear boundary.	N/A
	b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area.	N/A	N/A
	c) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.	N/A	N/A
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	0.99m to western boundary and 1.26m to eastern boundary.	Yes
	b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be	0.99m to western boundary and 1.26m to eastern boundary. The shadow analysis confirms that the development would not result in more than 3 hours of	Yes

	demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	overshadowing to neighbouring living areas or private open space between 9am and 3pm midwinter. The building additions would also not result in additional overshadowing impacts to neighbouring properties.	
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	Level 3 and two storey part of Level 2 are less than 12m in length and do not require articulation.	Yes
Private Open Space			
48.	<p>a) All dwellings should have a minimum area of private open space of 35m², which includes a principal private open space area with:</p> <ul style="list-style-type: none"> – a minimum dimension of 4m x 4m, and – a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and – direct accessibility from a ground floor living area and orientated to maximise use. <p>b) Private open space may include clothes drying areas and garbage storage.</p>	76m ² of private open space at ground level provided on the northern side of the dwelling. The balcony addition at Level 2 would also improve the usability of the outdoor space off the Lounge Room, creating a 4m x 7m area.	Yes
Public Domain and Fencing			
49	a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	Front fences on both Graham Street and Ocean Drive frontages shown on the architectural plans.	Yes
	<p>b) Solid Front fences up to 1.2m high should be:</p> <ul style="list-style-type: none"> – Setback 1.0m from the front boundary, and – Suitably landscaped to reduce visual impact, and – Provide a 3m x 3m splay for corner sites. 	Front fences higher than 1m.	N/A
	b) Front fences proposed to be more than 1.2m high should be a maximum of	1.7m high fence to full Ocean Drive frontage with 950mm wide landscaping	Acceptable on merit.

	<p>1.8m in height, above existing front property boundary level, and either:</p> <ul style="list-style-type: none"> – Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or – be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage, 	<p>to the full length of the fence.</p> <p>2.1m high courtyard wall for 6.25m (41%) of the Graham Street frontage. The courtyard wall sits substantially below street level in Graham Street and is cut into the sloping site. Visually the fence will not appear higher than a 1.8m high fence on a flat site.</p>	
	<p>c) have openings which make it not less than 25% transparent (no individual opening more than 30mm wide);</p>	<p>The proposed fence on the Ocean Drive frontage has openings to a minimum of 25% of the surface area of the fence.</p> <p>The courtyard wall on the Graham Street frontage has no openings, but is considered acceptable noting the short length, curved design and stonework finish.</p>	Acceptable on merit.
	<p>d) provide a 3m x 3m splay for corner sites, and</p>	N/A	N/A
	<p>e) provide a 900mm x 900mm splay for vehicle driveway entrances.</p>	<p>Fence in Graham Street frontage is separated by more than 900mm from the edge of the driveway by the existing pedestrian access.</p>	Yes
50	<p>a) For tennis courts or other similar areas, chain wire fences should be black or dark green plastic coated mesh.</p>	N/A	N/A
	<p>b) Solid fences enclosing these facilities should not be permitted over 1.8m.</p>	N/A	N/A
Bulk and Scale			
51	<p>a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where:</p>	<p>Indoor living rooms appropriately screened. These rooms only have openings facing north to Ocean Drive.</p>	Yes

	<ul style="list-style-type: none"> Ground and first floor (and above) indoor living room windows are within a 9m radius. Direct views between principal private open space areas where within a 12m radius. Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 		
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> Indoor living room windows of adjacent dwellings, including proposed dwellings approved on adjoining lots within 9m radius; or Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 	<p>Privacy screen proposed to the western side of the Level 3 northern balcony addition.</p> <p>Privacy screen proposed to the eastern side of the Level 2 balcony addition.</p>	Yes
	<p>c) Privacy protection is not required for:</p> <ul style="list-style-type: none"> Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height. 	High sill windows not proposed as privacy measure.	N/A
	<p>d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):</p> <ul style="list-style-type: none"> 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space Screening of minimum 1.7m height, that has 	Privacy screening is consistent with these requirements.	Yes

	<p>25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials.</p> <ul style="list-style-type: none"> – A window, the whole of which has translucent glass and is not able to be opened. 		
Ancillary Development			
56	<p>a) For ancillary development in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential and RU5 Village zones:</p> <ul style="list-style-type: none"> – The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing). – The building should be single storey construction with a maximum roof pitch of 24 degrees. – The maximum area of the building should be 60m² for lots less than 900m² and maximum of 100m² for larger lots. – Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line with the exception of swimming pools. 	None proposed.	N/A

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 of a significance that would justify refusal of the application.

(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

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

(iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601 - Clause 61

Demolition work on the site is capable of compliance with this Australian Standard and is recommended to be conditioned.

(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 has a general northerly street frontage orientation to Ocean Drive, and a southerly frontage to Graham Street. Vehicular access to the site is via Graham Street.

Adjoining the site to the west is a single storey dwelling, and to the east is a 2-3 storey dwelling.



Dwellings on the southern side of Graham Street are more elevated and generally enjoy views to the north over the existing building.

Land on the northern side of Ocean Drive is Council-managed Crown Land.

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

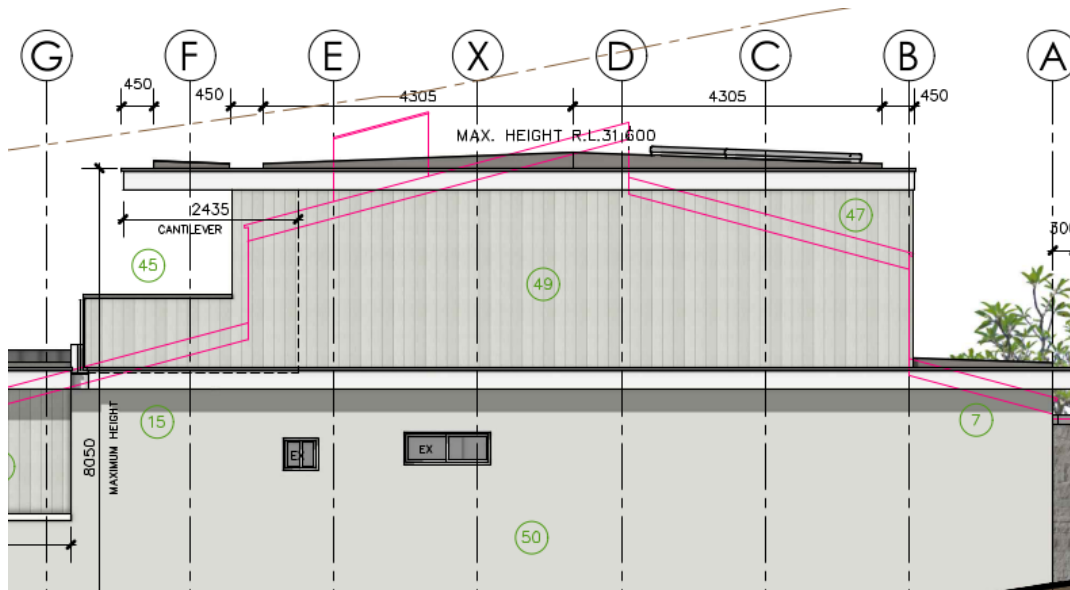
The proposal does not have significant adverse lighting impacts.

There are no significant adverse overshadowing impacts. There is only a minor change to the existing impacts as shown in the submitted plans. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June between the hours of 9am and 3pm.

View Sharing

The proposal is within the existing building footprint, but includes changes to the roof form of the building that will have some impact on current view from nearby properties.

The flatter roof form proposed will reduce the highest part of the building by 400mm, which would likely improve the situation for properties directly opposite the site. However, the upper level roof would project further north at a higher level than the existing roof, as can be seen below in the comparison shown on the elevation plan.



Dwellings on the southern side of Graham Street are more elevated and generally enjoy views to the north over the top of the existing building.

The below photo shows the existing view from the front deck of 19 Graham Street, located south-west of the site. The existing dwelling can be seen in the photo. 21 Graham Street (directly opposite the site) was not able to be accessed during the assessment as it was tenanted and there were no publicly available real estate photographs that could be reviewed for this property. The view from this property is likely to be similar to the one from 19 Graham Street (with a slight change to the angle of the view). The deck at 21 Graham Street is also approximately 0.5m - 1m higher.



The existing views from both properties include expansive water views, including the surf zone and the land and water interface. The impacted part of the view is a small part of the overall water view.

The proposal would result in a slight improvement to the view over the top of the existing building, and a reduction to a smaller extent of the view on the northern side of the building.

Overall, the impact on the existing views would be negligible, with a likely minor improvement to the current views. It is noted that no submissions were received from the owners of these properties expressing concerns regarding loss of views.

Access, Traffic and Transport

The proposal will not have any significant adverse impacts in terms of access, transport and traffic. The existing crossover and parking off Graham Street would be retained for the altered dwelling. The existing road network will satisfactorily cater for traffic generation as a result of the development.

Water Supply Connection

The site has an existing water supply connection. Council's Water and Sewer Development Team have advised that no additional water supply requirements are applicable to the development.

Section 68 approval will be required for the proposed new plumbing work and appropriate conditions are recommended in this regard.

Sewer Connection

The site has an existing sewer connection. Council's Water and Sewer Development Team have advised that no additional sewer requirements are applicable to the development.

Section 68 approval will be required for the proposed new drainage work and appropriate conditions are recommended in this regard.

Stormwater

The site naturally grades towards the Ocean Drive frontage and is currently serviced via a kerb outlet to Ocean Drive.

The development would not result in any significant increase in impervious area and is capable of draining to the existing outlet. 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 site has been significantly disturbed by the construction of the current dwelling and it is not anticipated that any relics would 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

A satisfactory Waste Management Plan has been submitted addressing demolition, construction, and operational waste. The submitted plans identify skip bin locations within the site during the demolition and construction phase.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

Noise and vibration

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 for demolition and construction hours.

Bushfire

The site is identified as being bushfire prone.

The application includes a Bush Fire Assessment Report prepared by Australian Bushfire Consulting Service Pty Ltd and a Bush Fire Certificate issued under Section 4.14(1)(b) of the Environmental Planning and Assessment Act 1979 confirming that the development conforms to the relevant specifications and requirements of Planning for Bush Fire Protection 2019.

BAL-12.5 construction will be required for all new work to the dwelling and fencing located within 6m of the dwelling will be required to be constructed of non-combustible materials. Conditions is recommended requiring the bush fire protection measures to be detailed on the Construction Certificate plans and completed prior to the issue of an Occupation Certificate.

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.

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.

(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

No written submissions were received following public exhibition of the application.

(e) The Public Interest

The proposed development satisfies the objectives of the relevant planning controls as justified in the assessment 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

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

4. Development Contributions Applicable

Development contributions will not be required as the proposal is for alterations and additions to an existing dwelling and the development will not increase the demand for local infrastructure, water supply or sewerage.

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.

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 R1 zone. No significant adverse environmental, social or economic impacts on the locality have been identified.

Attachments

- 1 [!\[\]\(777d6b353a7fded5c6c8e8432adbfe14_img.jpg\)](#) Attachment 1 - Recommended Conditions
- 2 [!\[\]\(7fc96c86e5059bc91a45c1d5458d216b_img.jpg\)](#) Attachment 2 - Plans
- 3 [!\[\]\(92c5c6f79f198d0c4860d12d543c7374_img.jpg\)](#) Attachment 3 - Clause 4.6 Written Request

PROPOSED CONDITIONS

DA NO: 2025/306

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
2161 DA.01 to DA.15 and DA.21	F	Architectural Plans	BACAD Design	8 September 2025

Approved documents

Document title	Version number	Prepared by	Date of document
BASIX Certificate	A1794017_02	Mr Richard Bacon	27 August 2025
Bush Fire Assessment Report	24-474	Australian Bushfire Consulting Services	7 May 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 certification is obtained.

3.

A003 - Notification of Home Building Act 1989 requirements

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—

a. for work that requires a principal contractor to be appointed—

i. the name and licence number of the principal contractor, and

ii. the name of the insurer of the work under the *Home Building Act 1989*, Part 6,

b. for work to be carried out by an owner-builder—

i. the name of the owner-builder, and

ii. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*

	<p>---- the number of the owner-builder permit.</p> <p>3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>4. This section does not apply in relation to Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.</p> <p>Condition Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
4.	<p>A004 - Shoring and adequacy of adjoining property</p> <p>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.</p> <p>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 -</p> <ol style="list-style-type: none"> protect and support the building, structure or work on adjoining land from possible damage from the excavation, and if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. <p>3. This section does not apply if -</p> <ol style="list-style-type: none"> the person having the benefit of the development consent owns the adjoining land, or the owner of the adjoining land gives written consent to the condition not applying. <p>Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
5.	<p>A005 - Erection of signs</p> <p>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>2. 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 -</p> <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and 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 stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be -</p> <ol style="list-style-type: none"> maintained while the building work, subdivision work or demolition work is being carried out, and removed when the work has been completed. <p>4. This section does not apply in relation to -</p> <ol style="list-style-type: none"> 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 Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6. <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
6.	<p>A006 - Fulfilment of BASIX commitments</p>

	<p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -</p> <ol style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. <p>Condition Reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
7.	<p>A008 - Public works and utility services alterations</p> <p>The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage, public utility services, any easements and Council services at no cost of Council for the purposes of the development.</p> <p>Condition Reason: To confirm that the developer is responsible for all public utility costs and alterations.</p>
8.	<p>A009 - Construction site management</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"> 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; <ul style="list-style-type: none"> • Monday to Saturday from 7.00am to 6.00pm • No work to be carried out on Sunday or public holidays <p>The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.</p> 7. All works within proximity of electrical infrastructure shall be carried out in accordance with the requirements of the relevant electricity authority. <p>Condition Reason: 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.</p>

DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

Condition	
1.	<p>J001 - Construction hoarding fence</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>Condition Reason: To protect public safety and the integrity of public infrastructure.</p>

DURING DEMOLITION WORK

Condition	
1.	<p>P010 - Demolition site and asbestos management</p> <p>The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: <i>The Demolition of Structures</i>. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.</p> <p>Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – <i>Code of Practice for Safe Removal of Asbestos</i> and <i>Code of Practice for the Management and Control of Asbestos in Workplaces</i>.</p> <p>Condition Reason: To protect public health and safety.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
1.	<p>B002 - Plumbing permit</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"> • Position and depth of the sewer (including junction) • Stormwater drainage termination point • Easements • Water main • Proposed water meter location <p>Condition Reason: To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.</p>
2.	<p>B022 - Bushfire Attack Level</p> <p>The building 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>Condition Reason: To protect public safety and building assets.</p>

BEFORE BUILDING WORK COMMENCES

Condition

1.	<p>D005 - Construction hoarding fence</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>Condition Reason: To protect public safety and the integrity of public infrastructure.</p>
----	--

DURING BUILDING WORK

Condition	
1.	<p>E003 - Copy of construction plans</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>Condition Reason: To ensure that the development proceeds in accordance with the approved plans.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
1.	<p>F001 - Bushfire protection measures installed</p> <p>Prior to occupation or issue of the Occupation Certificate, details of compliance with the Bush Fire Assessment Report are to be provided to the Principal Certifier.</p> <p>Condition Reason: To protect public health and safety.</p>
2.	<p>F031 - Section 68 Certificate of Completion</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>Condition Reason: To ensure that appropriate infrastructure is provided to service the development.</p>
3.	<p>F035 - Certification of BASIX commitments</p> <p>Written confirmation being provided to the Principal Certifier from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.</p> <p>Condition Reason: To ensure that BASIX commitments have been provided and the development achieves acceptable operating efficiencies.</p>
4.	<p>F036 - Completion of landscaped areas</p> <p>Landscaped areas shall be completed prior to the issue of the Occupation Certificate.</p> <p>Condition Reason: To ensure that the development positively contributes to the aesthetics and biodiversity values of the area.</p>

RESIDENTIAL ALTERATIONS AND
ADDITIONS.

PROPOSED BOUNDARY FENCES,
BALCONY ADDITION, AND ALTERATIONS
TO EXISTING DWELLING.

LOT 2 DP569792
937 OCEAN DRIVE,
BONNY HILLS NSW 2445




Perspective 1 - Ocean Drive




Perspective 2 - Graham Street


NUMBER	DRAWING TITLE
DA.01	TITLE
DA.02	SITE ANALYSIS
DA.03	SITE PLAN
DA.04	EXISTING FLOOR PLAN LEVEL 1
DA.05	EXISTING FLOOR PLAN LEVEL 2
DA.06	EXISTING FLOOR PLAN LEVEL 3
DA.07	EXISTING ELEVATIONS
DA.08	EXISTING ELEVATIONS
DA.09	PROPOSED FLOOR PLAN LEVEL 1
DA.10	PROPOSED FLOOR PLAN LEVEL 2
DA.11	PROPOSED FLOOR PLAN LEVEL 3
DA.12	ALTERATION/ADDITION NOTES, WINDOW SCHEDULE, STANDARD NOTES, BASIX COMMITMENTS.
DA.13	PROPOSED ELEVATIONS
DA.14	PROPOSED ELEVATIONS
DA.15	SECTION 1-1, SECTION 2-2
DA.16	GENERAL BAL (SECTION 3) NOTES
DA.17	BAL-12.5 CONSTRUCTION NOTES
DA.18	ROOF LAYOUT
DA.19	SAFE DESIGN NOTES
DA.20	SHADOW ANALYSIS
DA.21	STREET ELEVATIONS
DA.22	FLOOR SPACE RATIO CALCULATIONS



Building Design
P. 0451 955 535
BATEAU BAY NSW



chartered
member of:
BDA
BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA



accredited:
HIA GreenSmart
PROFESSIONAL
Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES
ALL DIMENSIONS SHALL BE
VERIFIED PRIOR TO
COMMENCEMENT OF ANY WORK
OR ORDERING OF ANY
MATERIALS. ANY DISCREPANCIES
TO BE REFERRED TO THIS
OFFICE.
USE FIGURED DIMENSIONS ONLY.

COPYRIGHT © 2025. THIS DESIGN IS AND
ALWAYS SHALL REMAIN THE PROPERTY OF
'BACAD DESIGN' AND MUST NOT BE LENT,
GIVEN, SOLD, HIRED OUT OR OTHERWISE
COPIED, VARIED EITHER IN WHOLE OR IN
PART WITHOUT WRITTEN CONSENT. ANY
BREACH SHALL RENDER THE DEFAULTING
PARTIES LIABLE TO LEGAL ACTION BY THE
BUSINESS.

Amendments		
No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS,SCREEN,FENCE
F	08.09.25	PRIVACY SCREEN TO BALC.


















Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT
Date : APR.'25	For : MRS. J. BROWN
Sheet : DA.01	Scale: N.T.S.

Location:

LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445

The title boundaries shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey any boundary definition undertaken at the time of survey has been carried out under the immediate supervision of the Registered Survey employed by B.R. Development Consulting. Services shown hereon have been located where possible by field survey. If not able to be so located, services have been plotted from the records of relevant authorities where available and have been noted accordingly on the plan. Where such records do not exist or are inadequate a notation has been made hereon. Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

LineStyle	Description
	BOTTOM OF BANK
	DRAIN
	EDGE OF BITUMEN
	EDGE OF TREES
	ELEC. CABLE UG
	FENCE
	STORMWATER PIPE
	SEWER PIPE
	TOP OF BANK
	WATER MAIN




Code	Description	Symbol
BM	BENCH MARK	
BOL	BOLLARD	
EBX	ELECTRICAL BOX	
EPIT	ELECTRICAL PIT	
ELP	ELEC. LIGHT POLE	
HYD	HYDRANT	
NS	NATURAL SURFACE	
PALM	PALM	
PP	POWER POLE	
RWJ	ROOF WATER JUNCTION	
SJO	SEWER JUNCTION	
SMH	SEWER MAIN HOLE	
SV	STOP VALVE	
TE	TELSTRA PIT	
TREE	TREE	
TRL	TRAFFIC LIGHT	
WM	WATER METER	

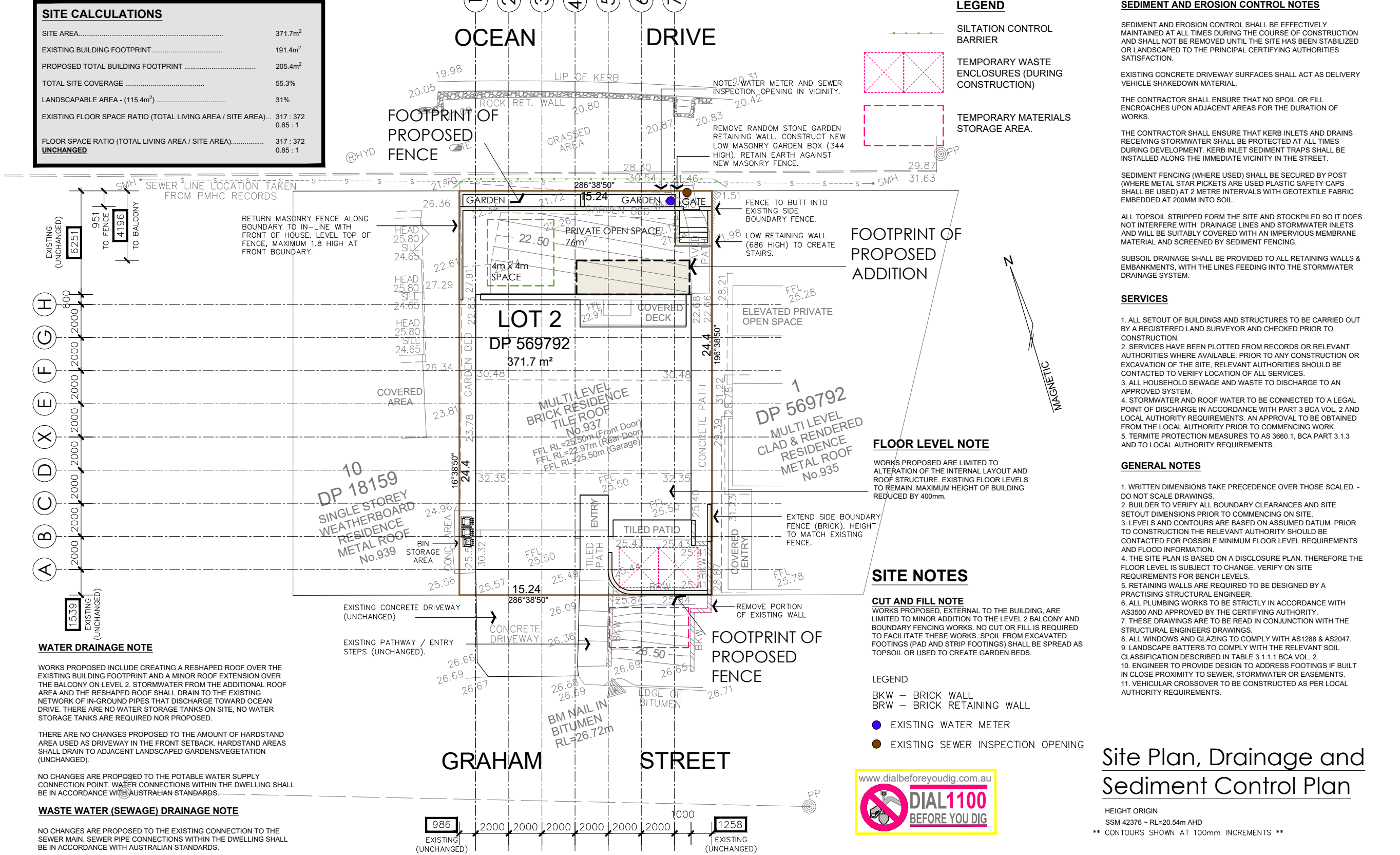
HEIGHT DATUM AHD	LOCAL AUTHORITY PORT MACQUARIE HASTING	
HEIGHT ORIGIN SSM 42376 ~ RL=20.54m AHD	COUNCIL REFERENCE N/A	
MERIDIAN DP 569792 ~ MAGNETIC	SURVEYOR SKR	SURVEY DATE 28-03-2025
CO-ORD SYSTEM LOCAL ASSUMED	DRAWN SKR	DATE 14-04-2025
SCALE 1 : 200 @ A3	CHECKED MJD	DATE 14-04-2025

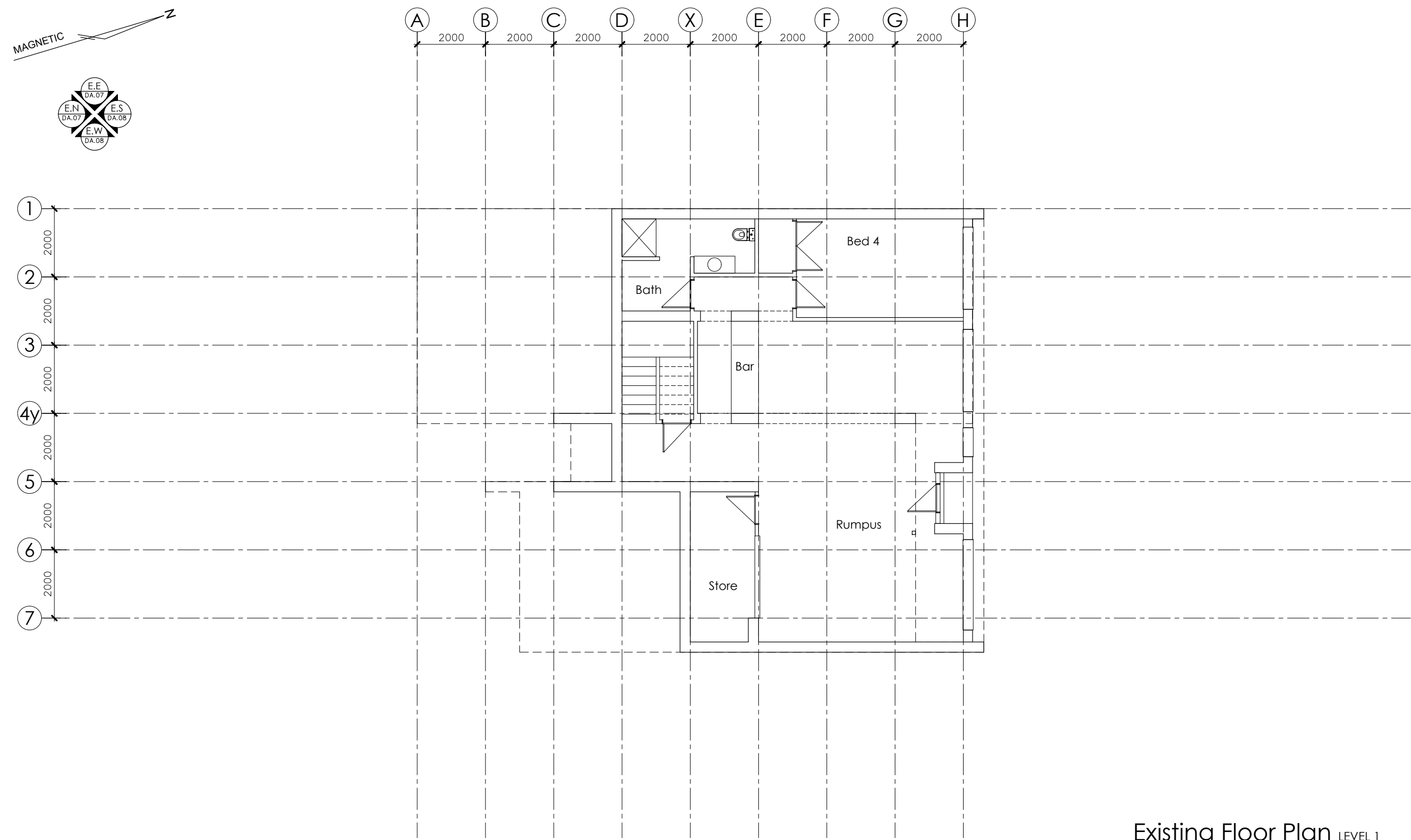
** CONTOURS SHOWN AT 100mm INCREMENTS **



Site Analysis


 <p>BACAD DESIGN</p>	<p>Building Design P. 0457 955 535 BATEAU BAY NSW</p>	<p>chartered member of:</p>  <p>BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</p>	<p>accredited:</p>  <p>Registered Design Practitioner: Richard Bacon DEP0003651</p>	<p>NOTES ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. USE FIGURED DIMENSIONS ONLY.</p>	<p>COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.</p>	<p>Amendments</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Amendment</th> </tr> </thead> <tbody> <tr> <td>C</td> <td>01.05.25</td> <td>ISSUED FOR DA</td> </tr> <tr> <td>D</td> <td>14.05.25</td> <td>ISSUED FOR DA</td> </tr> <tr> <td>E</td> <td>27.08.25</td> <td>WINDOWS, SCREEN, FENCE</td> </tr> <tr> <td>F</td> <td>08.09.25</td> <td>RE-ISSUED</td> </tr> </tbody> </table>	No.	Date	Amendment	C	01.05.25	ISSUED FOR DA	D	14.05.25	ISSUED FOR DA	E	27.08.25	WINDOWS, SCREEN, FENCE	F	08.09.25	RE-ISSUED	<p>Ref : 2161</p>	<p>Proposed : RESIDENTIAL DEVELOPMENT</p>	<p>Location: LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445</p>
						No.	Date	Amendment																
						C	01.05.25	ISSUED FOR DA																
						D	14.05.25	ISSUED FOR DA																
E	27.08.25	WINDOWS, SCREEN, FENCE																						
F	08.09.25	RE-ISSUED																						
<p>Date : APR.'25</p>	<p>For : MRS. J. BROWN</p>																							
<p>Sheet : DA.02</p>	<p>Scale: 1:200</p>																							






Existing Floor Plan LEVEL 1

AREAS
EXISTING LIVING 112.8m²




Building Design
P. 0451 955 535
BATEAU BAY NSW

chartered member of:



BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA

accredited:



Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES
ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE.
USE FIGURED DIMENSIONS ONLY.

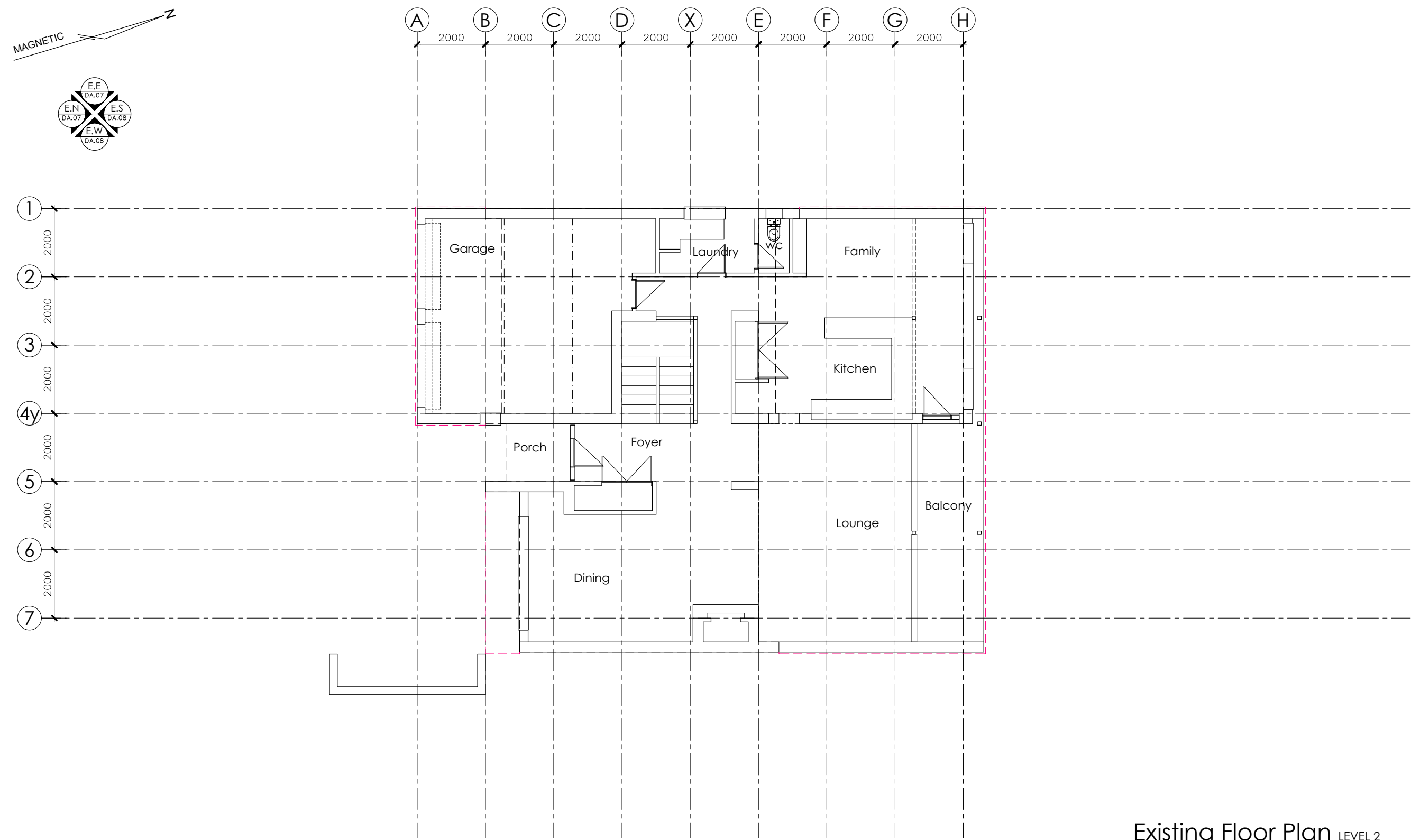
COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.

Amendments		
No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS, SCREEN, FENCE
F	08.09.25	RE-ISSUED

Ref : 2161
Date : APR.'25
Sheet : DA.04


Proposed : RESIDENTIAL DEVELOPMENT
For : MRS. J. BROWN
Scale: 1:100

Location:
LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445




Existing Floor Plan LEVEL 2

AREAS
EXISTING LIVING 120.1m²




Building Design
P. 0451 955 535
BATEAU BAY NSW

chartered member of:



BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

accredited:



Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES
ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE.
USE FIGURED DIMENSIONS ONLY.

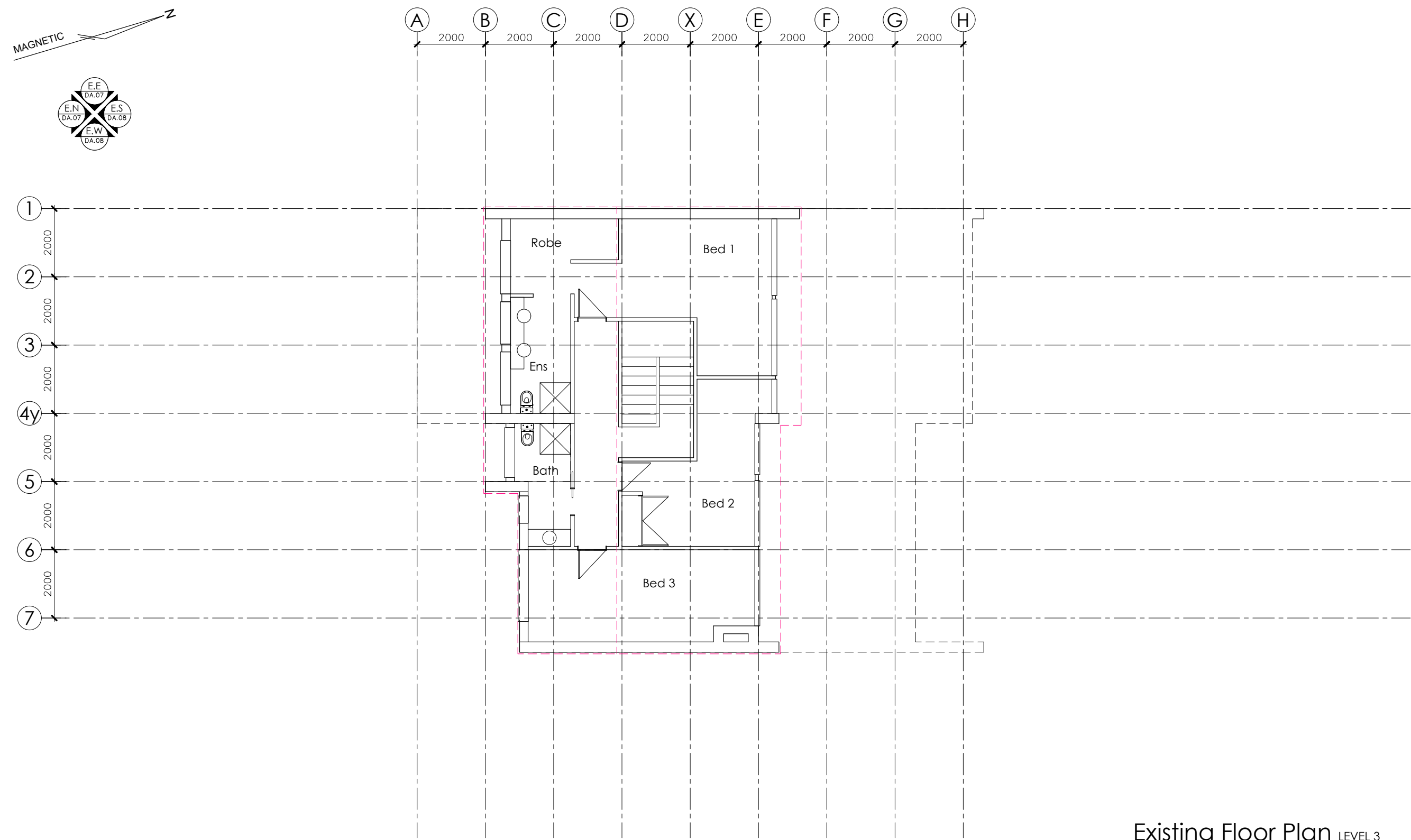
COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.

Amendments		
No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS, SCREEN, FENCE
F	08.09.25	RE-ISSUED

Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT
Date : APR. '25	For : MRS. J. BROWN
Sheet : DA.05	Scale: 1:100


Location:

LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445




Existing Floor Plan LEVEL 3

AREAS
EXISTING LIVING 83.4m²




Building Design
P. 0451 955 535
BATEAU BAY NSW

chartered member of:



BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

accredited:



Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES
ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE.
USE FIGURED DIMENSIONS ONLY.

COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.

Amendments		
No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS, SCREEN, FENCE
F	08.09.25	RE-ISSUED

Ref : 2161

Date : APR. '25

Sheet : DA.06

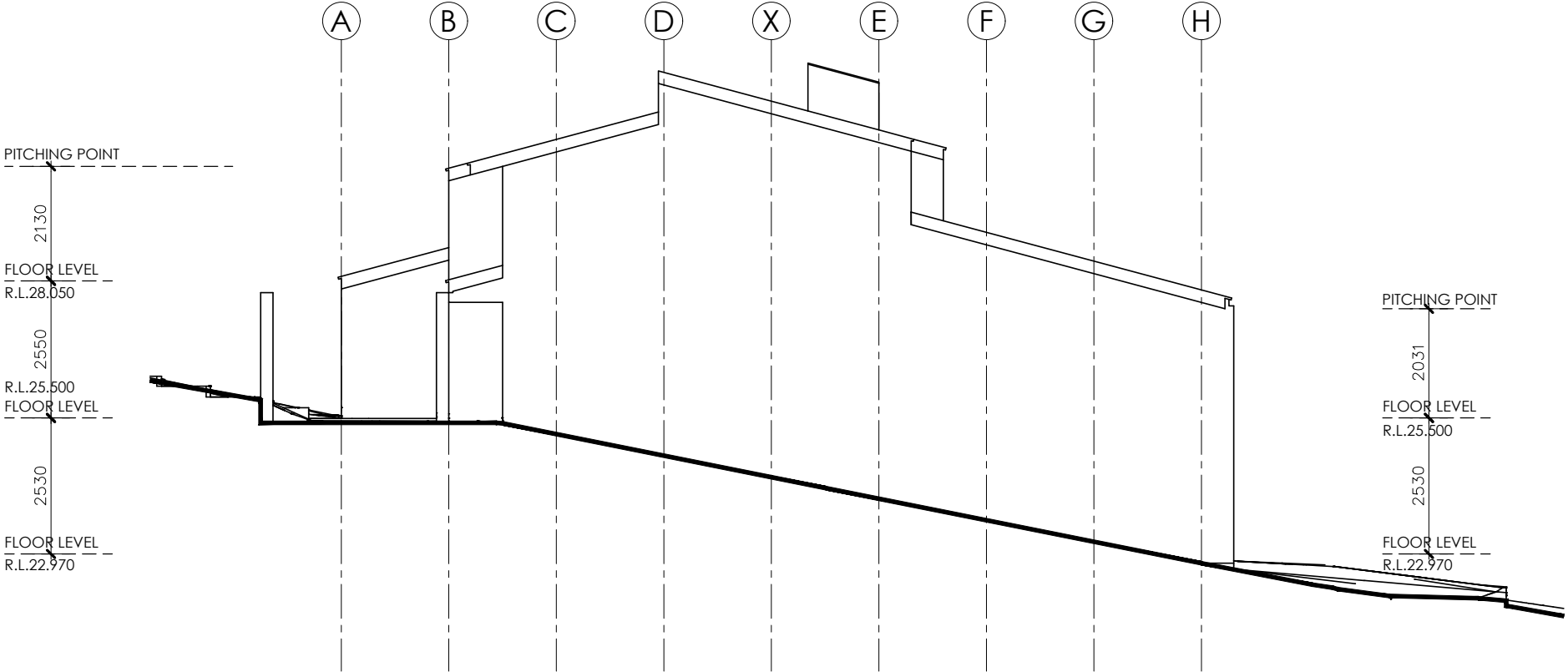
Proposed : RESIDENTIAL DEVELOPMENT

For : MRS. J. BROWN

Scale: 1:100

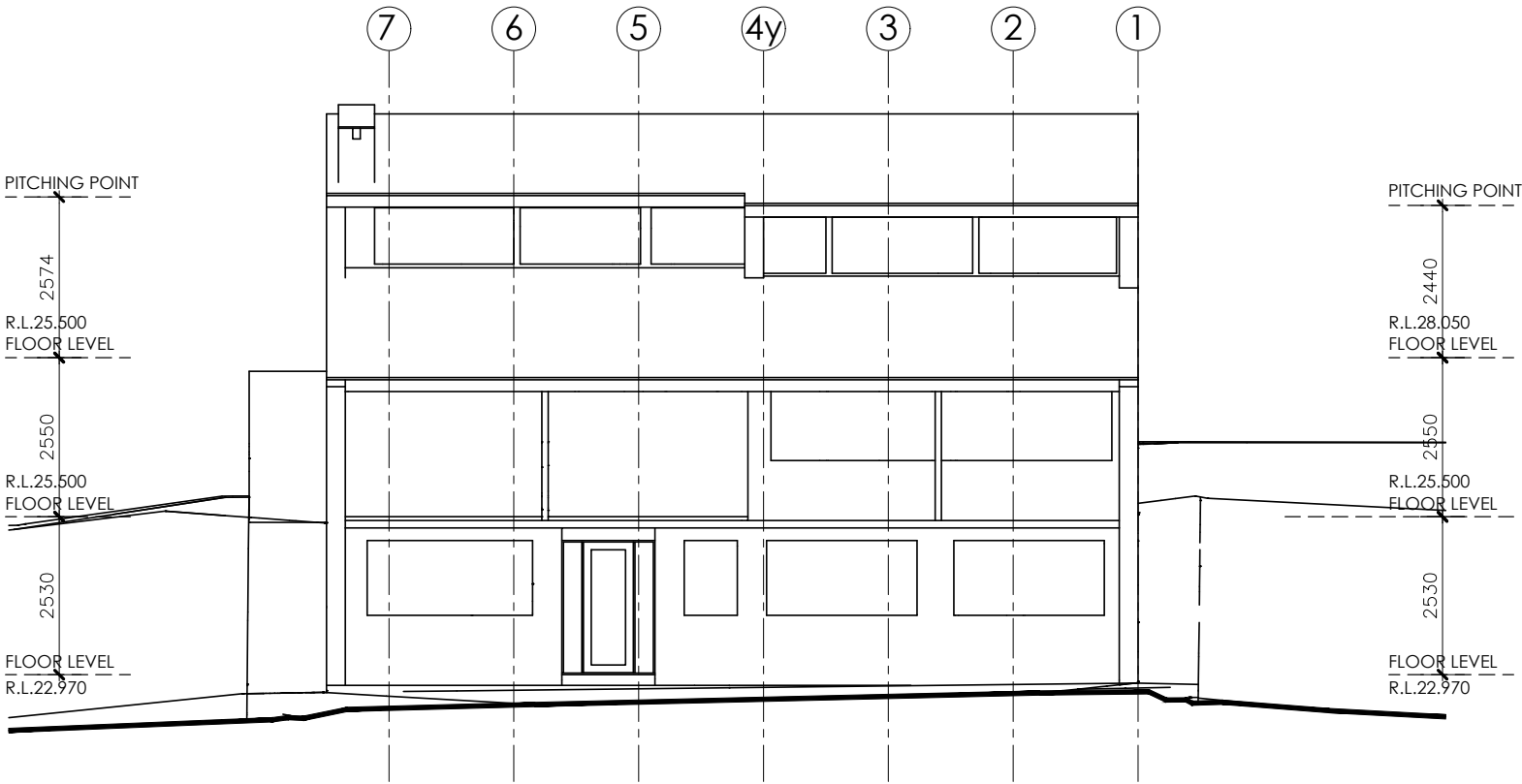
Location:
LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445

Existing




East Elevation

E.E
DA.04/05/06




North Elevation

E.N
DA.04/05/06




Building Design
P. 0451 955 535
BATEAU BAY NSW

chartered member of:



BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA

accredited:



Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES
ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE.
USE FIGURED DIMENSIONS ONLY.

COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.

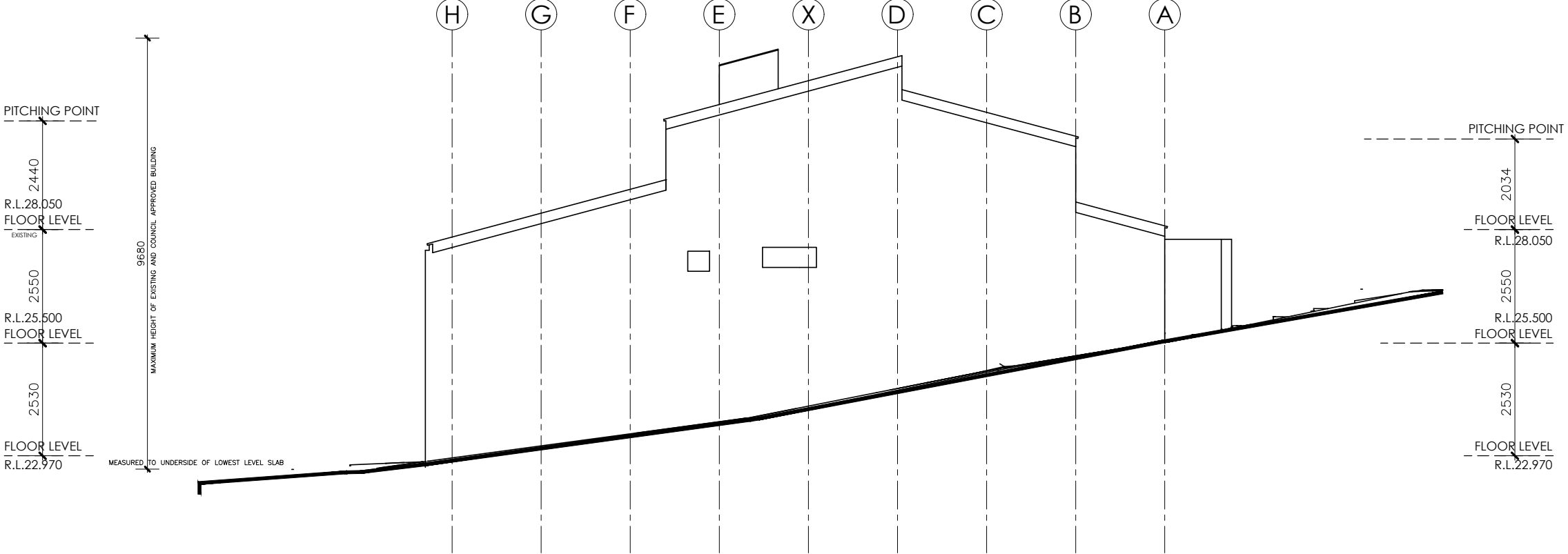
Amendments		
No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS, SCREEN, FENCE
F	08.09.25	RE-ISSUED

Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT
Date : APR. '25	For : MRS. J. BROWN
Sheet : DA.07	Scale: 1:100

Location:

LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445

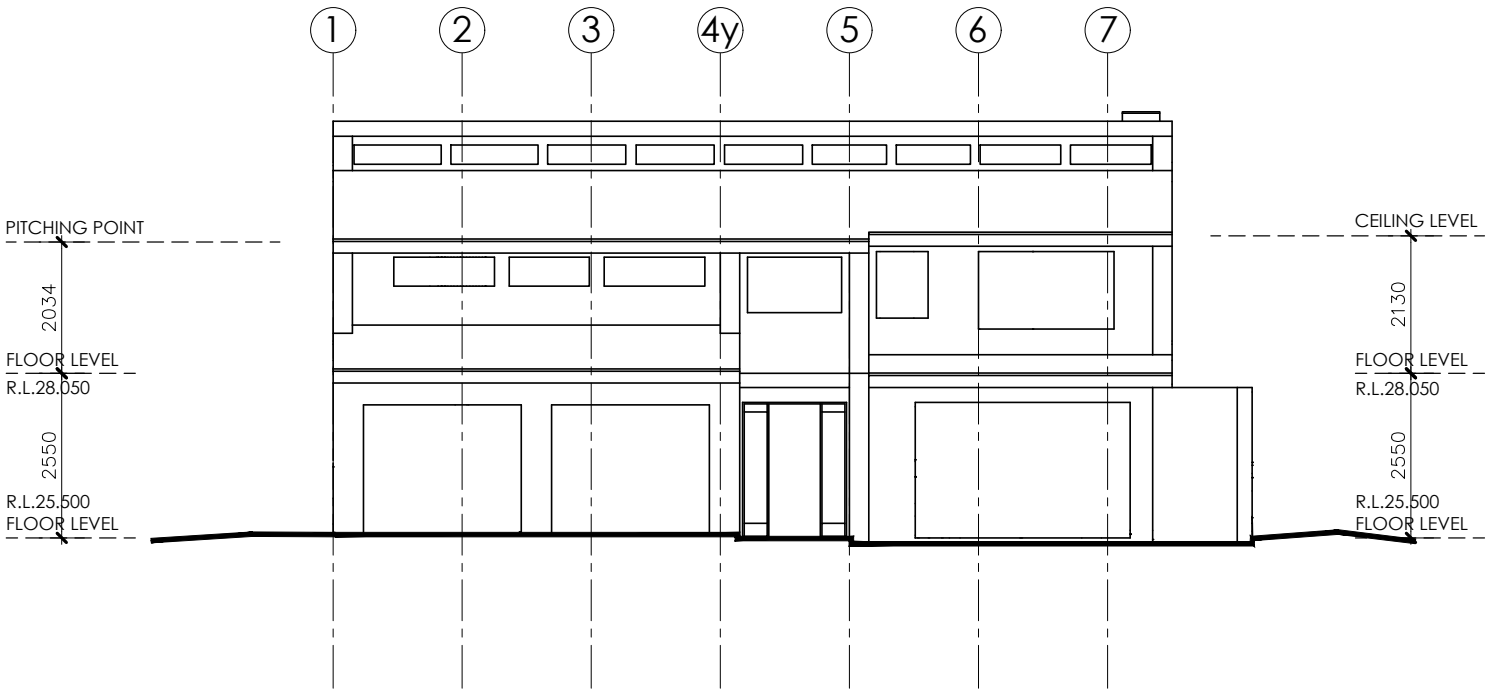
Existing



West Elevation

E.W




DA.04/05/04

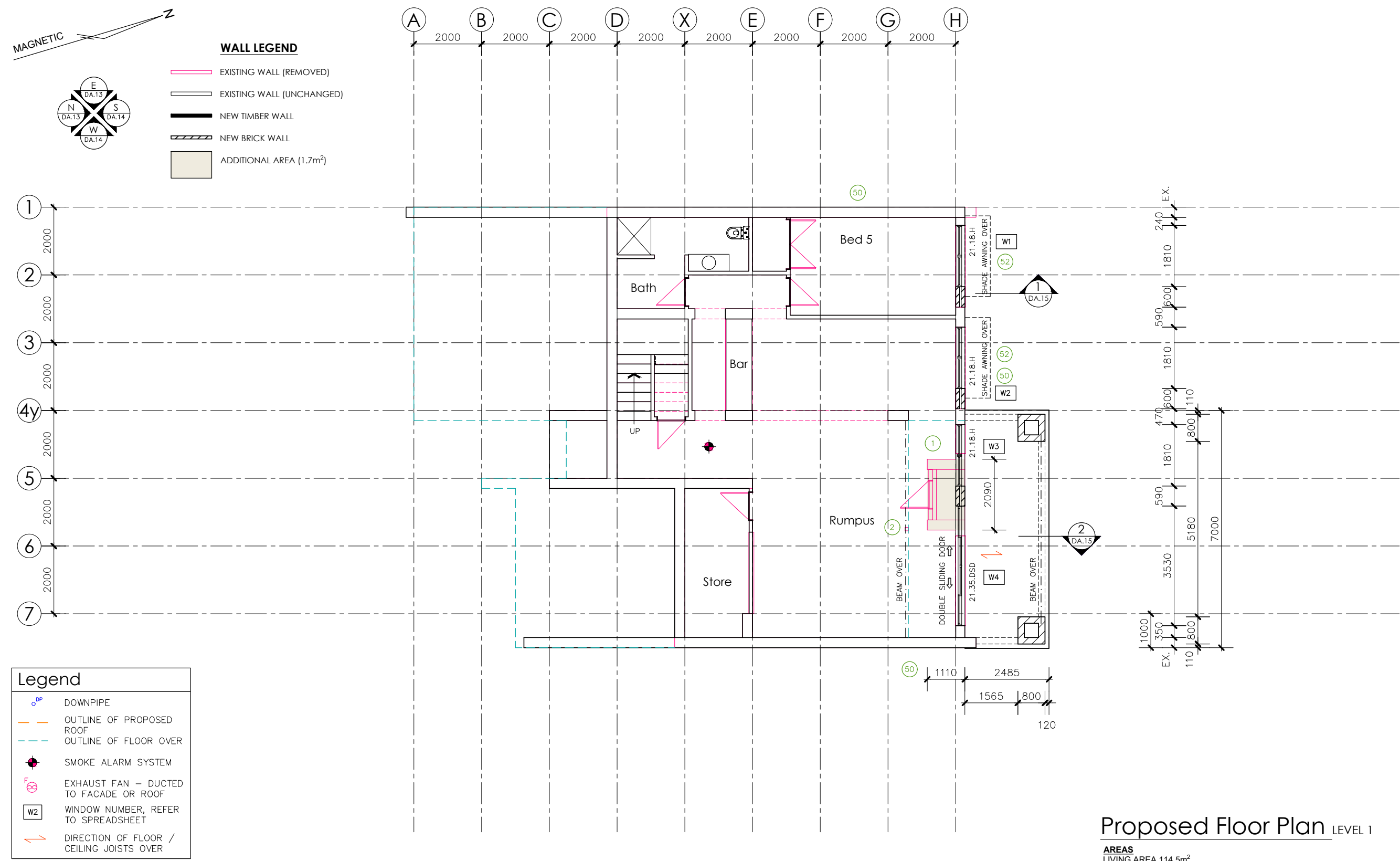



South Elevation

E.S

DA.04/05/04


 BACAD DESIGN	Building Design P. 0451 955 535 BATEAU BAY NSW	chartered member of:  BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA	accredited:  HIA GreenSmart PROFESSIONAL Registered Design Practitioner: Richard Bacon DEP0003651	NOTES ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. USE FIGURED DIMENSIONS ONLY.	COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.	Amendments		Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT	Location: LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445	
						No.	Date	Amendment	Date : APR. '25		For : MRS. J. BROWN
						C	01.05.25	ISSUED FOR DA	Sheet : DA.08		Scale: 1:100
						D	14.05.25	ISSUED FOR DA			
E	27.08.25	WINDOWS, SCREEN, FENCE									
F	08.09.25	RE-ISSUED									






Building Design
P. 0451 955 535
BATEAU BAY NSW

chartered member of:



BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

accredited:



Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES
ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE.
USE FIGURED DIMENSIONS ONLY.

COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.

Amendments		
No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS, SCREEN, FENCE
F	08.09.25	RE-ISSUED

Ref : 2161

Date : APR. '25

Sheet : DA.09

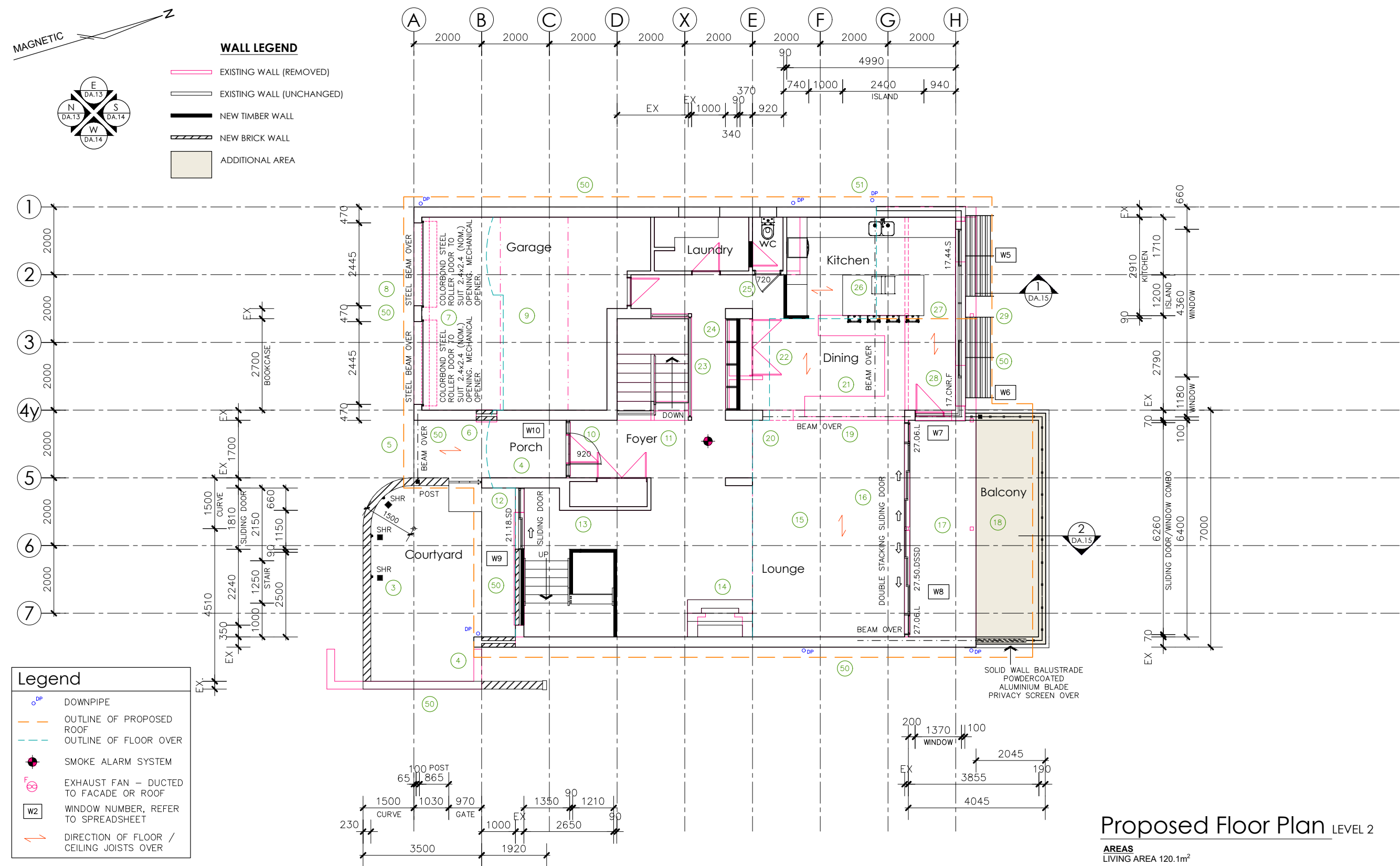
Proposed : RESIDENTIAL DEVELOPMENT




For : MRS. J. BROWN

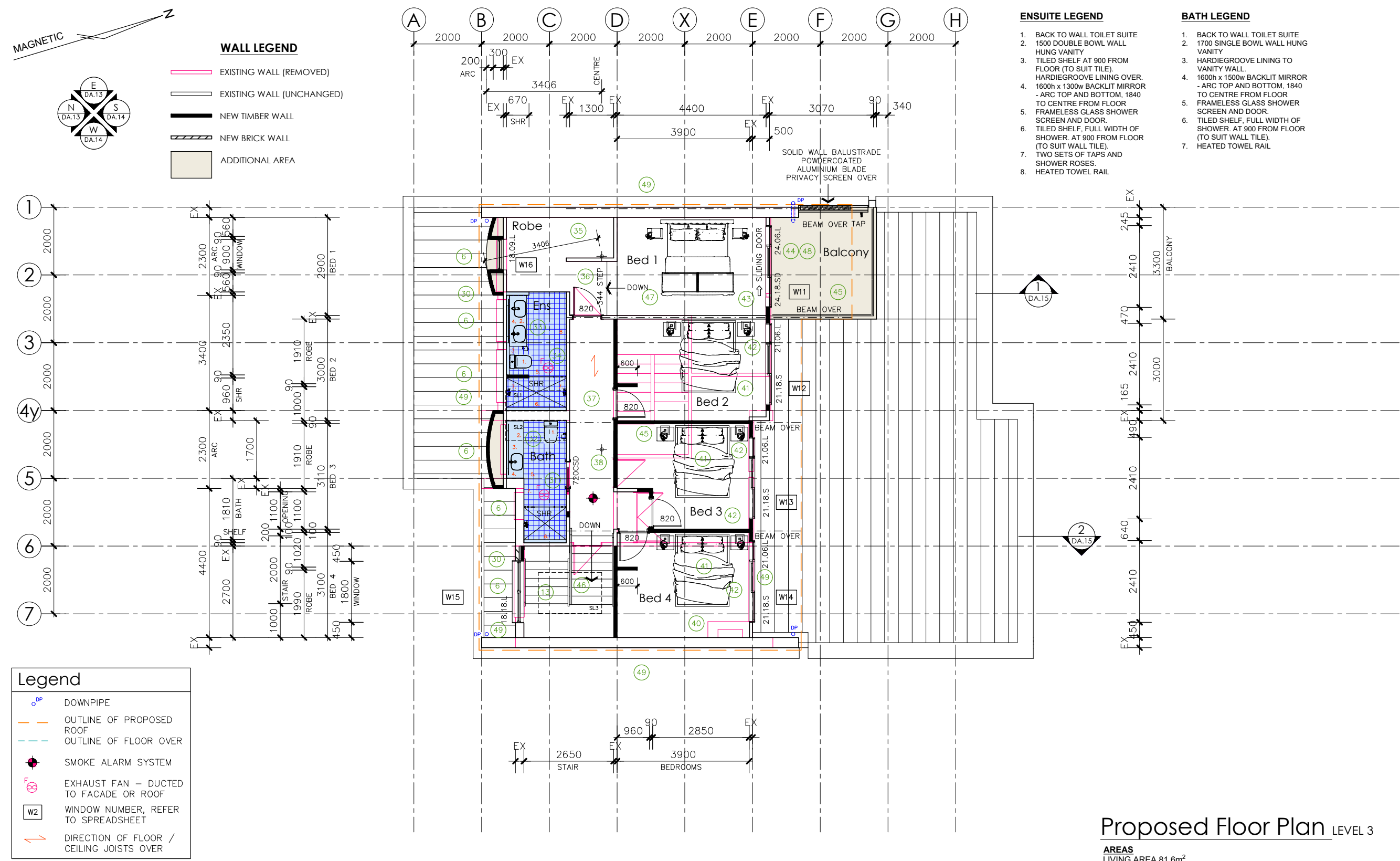
Scale: 1:100

Location:

LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445



 <div>Building Design P. 0451 955 535 BATEAU BAY NSW</div>	 <div>BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</div>	chartered member of:  <div>accredited: HIA GreenSmart PROFESSIONAL</div>	Registered Design Practitioner: Richard Bacon DEP0003651	NOTES ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. USE FIGURED DIMENSIONS ONLY.	COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.	Amendments		Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT	Location: LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445
						No. Date Amendment	Date : APR.'25	For : MRS. J. BROWN		
						C 01.05.25 ISSUED FOR DA	Sheet : DA.10	Scale: 1:100		
						D 14.05.25 ISSUED FOR DA				
						E 27.08.25 WINDOWS,SCREEN,FENCE				
						F 08.09.25 PRIVACY SCREEN TO BALC.				



 Building Design P. 0451 955 535 BATEAU BAY NSW	 BUILTING DESIGNERS ASSOCIATION OF AUSTRALIA	chartered member of: HIA GreenSmart PROFESSIONAL Registered Design Practitioner: Richard Bacon DEP0003651	NOTES ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. USE FIGURED DIMENSIONS ONLY.	COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.	Amendments	Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT	Location: LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445
					No. Date Amendment	Date : APR.'25	For : MRS. J. BROWN	
					C 01.05.25 ISSUED FOR DA	Sheet : DA.11	Scale: 1:100	
					D 14.05.25 ISSUED FOR DA			
					E 27.08.25 WINDOWS, SCREEN, FENCE			
					F 08.09.25 RE-ISSUED			

ALTERATION/ADDITION NOTES

1. REMOVE ENTRY DOOR, WINDOWS AND FRAME. REMOVE BRICK WALLS. CONSTRUCT NEW REINFORCED CONCRETE FLOOR SLAB (TO ENGINEERS DETAILS) TO LEVEL WITH EXISTING INTERNAL FLOOR LEVEL. FINISHED FLOOR SURFACE MATERIAL AS SELECTED BY CLIENT (CERAMIC TILE OR SIMILAR). CONSTRUCT BRICK VENEER WALL IN LINE WITH OUTER FACE OF EXISTING WALL. INSTALL NEW POWDERCOATED ALUMINIUM FRAMED DOUBLE HUNG WINDOW AND POWDERCOATED ALUMINIUM FRAMED SLIDING GLASS DOOR.

2. REMOVE EXISTING SUPPORT POST. ENGINEER TO CHECK AND RECOMMEND REPLACEMENT SUPPORT STRUCTURE (BEAM OR THE LIKE).

3. ADJUST EXISTING LOW-LEVEL GARDEN RETAINING WALL AND ADJUST FINISHED GROUND LEVEL TO SUIT DECORATIVE STONE OR SIMILAR SURFACE FINISH. SUB-SURFACE DRAINAGE TO ENGINEERS DETAILS. CONSTRUCT GARDEN BED TO SUIT FEATURE TREE (FRANGIPANI).

4. ADJUST EXISTING SCREEN WALL / BOUNDARY FENCE, MAXIMUM 2.0m HIGH MEASURED FROM THE GRAHAM STREET SIDE TO NATURAL GROUND LEVEL. CONSTRUCT NEW ACCESS POINT (FACING NORTH) AND CLOSE IN EXISTING OPENING (FACING THE SIDE BOUNDARY). EXTEND THE EXISTING COURTYARD WALL, MAXIMUM 2.0m HIGH MEASURED FROM THE GRAHAM STREET SIDE TO NATURAL GROUND LEVEL. COMMON BRICKWORK SUBSTRATE WITH SELECTED APPLIED STONE FINISH. APPLIED STONE FINISH TO EASTERN WALL OF ENTRY PORCH, WRAPPING AROUND TO STAIR ENTRY WALL. RENDERED SOLDIER COURSE CAPPING TO TOP OF WALL. INSTALL THREE (3) "BEACH" SHOWERS.

5. REMOVE EXISTING PAVERS, ADJUST SUBSTRATE AS NECESSARY. INSTALL NEW PAVERS TO STAIRS, ENTRY PORCH AND BEACH ACCESS PORCH AS SELECTED BY CLIENT (SANDSTONE OR SIMILAR).

6. REMOVE WINDOW. MAKE GOOD WALL WITH COMMON BRICKWORK AND WALL FRAMING AS REQUIRED.

7. REMOVE ROOF LINING AND ROOF STRUCTURE. INCREASE OUTER WALL HEIGHT TO 2750 FROM FLOOR LEVEL. COMMON BRICKWORK, BRICK VENEER OR SIMILAR. CONSTRUCT NEW ROOF STRUCTURE - HORIZONTAL (LEVEL) CEILING JOISTS (@ 2750 TO UNDERSIDE OF JOIST FROM FLOOR LEVEL) WITH GRADUATED ROOF BATTENS TO CREATE ROOF PITCH AS NOTED ON THE ELEVATIONS (MINIMUM 1°). LYSAGHT COLORBOND STEEL "KLIP-LOK 406" OR SIMILAR ROOF SHEETING. COLORBOND WALLABY COLOUR TO ROOF SHEETING AND ASSOCIATED FLASHINGS AND TRIMS. INSTALL JAMES HARDIE "STRIA CLADDING FINE TEXTURE" AS FASCIA BOARD FOR PAINT FINISH. COLOUR TO MATCH COLORBOND SOUTHERLY COLOUR. FIBRE CEMENT SHEET EAVES LINING. FOLDED STAINLESS STEEL GUTTER WITHIN ROOF PERIMETER. PAINTED PVC DOWNPIPES AS REQUIRED.

8. REMOVE GARAGE DOORS. INCREASE HEIGHT OF GARAGE DOOR OPENINGS TO 2400 HIGH. INSTALL NEW Bnd "ROLL-A-DOOR NEO" TO SUIT OPENING (SITE MEASURE TO CONFIRM WIDTH - 2450 APPROXIMATE). COLORBOND DUNE COLOUR. NEW GARAGE DOORS TO INCLUDE POWER DRIVE OR SIMILAR. ASSESS POTENTIAL TO LIFT FLOOR SUPPORT BEAM TO INCREASE CLEARANCE CAPACITY WITHIN GARAGE. ENGINEER TO ADVISE ON STRUCTURE.

9. REMOVE ENTRY DOOR, FRAME AND WINDOWS. INSTALL NEW POWDERCOATED ALUMINIUM FRAMED ENTRY DOOR FRAME TO SUIT 2100h x 920w DOOR AND TWO OPAQUE GLASS SIDELIGHTS.

10. REMOVE STAIRCASE LEADING FROM LEVEL 2 TO LEVEL 3. MAKE GOOD FLOOR.

12. REMOVE SLIDING DOOR AND WINDOWS. ADJUST OPENING TO SUIT NEW SLIDING DOOR LOCATION. NEW DOOR HEAD REQUIRED. INSTALL NEW POWDERCOATED ALUMINIUM FRAMED SLIDING GLASS DOOR. MAKE GOOD EXTERNAL WALL WITH COMMON BRICKWORK. MAKE GOOD INTERNAL WALL WITH FRAMING FOR PLASTERBOARD LINING.

13. CREATE OPENING BETWEEN LEVEL 2 AND LEVEL 3 FOR NEW STAIRCASE. INSTALL NEW STAIRCASE TO CLIENT SPECIFICATION (ENCLOSED RISER). CREATE STORAGE CUPBOARD UNDER NEW STAIR. DOOR OPENING DISCUSSED ON SITE WITH BUILDER. BALUSTRADE TO CLIENT SPECIFICATION (METAL OR SIMILAR). INSTALL HANDRAIL TO AT LEAST ONE SIDE OF BOTH FLIGHTS.

14. CONVERT FIREPLACE TO GAS (LPG) WITH JETMASTER "HEAT & GLO - 5X" OR SIMILAR. CHECK ON SITE EXISTING DIMENSION AND ADJUST TO SUIT. HORIZONTAL VENT TO SIDE WALL TO MANUFACTURERS DETAILS.

15. REMOVE CEILING/ROOF STRUCTURE. INCREASE OUTER WALL HEIGHT TO 2750 FROM FLOOR LEVEL. COMMON BRICKWORK, BRICK VENEER OR SIMILAR. CONSTRUCT NEW ROOF STRUCTURE - STEEL BEAMS AND POSTS TO ENGINEERS DETAILS SUPPORTING HORIZONTAL (LEVEL) CEILING JOISTS (@ 2750 TO UNDERSIDE OF JOIST FROM FLOOR LEVEL) WITH GRADUATED ROOF BATTENS TO CREATE ROOF PITCH AS NOTED ON THE ELEVATIONS (MINIMUM 1°). LYSAGHT COLORBOND STEEL "KLIP-LOK 406" OR SIMILAR ROOF SHEETING. COLORBOND WALLABY COLOUR TO ROOF SHEETING AND ASSOCIATED FLASHINGS AND TRIMS. INSTALL JAMES HARDIE "STRIA CLADDING FINE TEXTURE" AS FASCIA BOARD FOR PAINT FINISH. COLOUR TO MATCH COLORBOND SOUTHERLY COLOUR. FIBRE CEMENT SHEET EAVES LINING. FOLDED STAINLESS STEEL GUTTER WITHIN ROOF PERIMETER. PAINTED PVC DOWNPIPES AS REQUIRED.

16. REMOVE SLIDING DOORS AND INTERMEDIATE SUPPORT POST. ADJUST OPENING TO SUIT NEW SLIDING DOOR LOCATION. INSTALL NEW POWDERCOATED ALUMINIUM SLIDING GLASS DOOR/LOUVRE GLASS WINDOW COMBINATION. MAKE GOOD EXTERNAL WALL WITH COMMON BRICKWORK. MAKE GOOD INTERNAL WALL WITH FRAMING FOR PLASTERBOARD LINING.

17. JAMES HARDIE "HARDIE GROOVE LINING" TO SOFFIT OF ALFRESCO BALCONY. PAINT FINISH TO MATCH COLORBOND SURFMIST COLOUR.

18. REMOVE BALCONY. CONSTRUCT NEW BALCONY WITH SCYON SECURA OR SIMILAR FIBRE CEMENT FLOOR SHEETING OVER ENGINEERED TIMBER FLOOR JOISTS. FALL TO NORTHERN PERIMETER WITHIN TILE BED, WATERPROOFING AND TILED FINISH. PROPRIETARY STAINLESS STEEL TROUGH DRAIN TO NORTHERN PERIMETER. SELECTED PERIMETER WALL SUITABLE FOR DECORATIVE STONE FACING, APPROXIMATELY 400mm ABOVE FINISHED SURFACE LEVEL. CLEAR GLASS PANELS TO BALANCE OF BALUSTRADE REQUIREMENT. APPLIED STONE FINISH TO OUTER FACE OF PERIMETER WALL, APPLIED TEXTURE COATING TO INNER FACE OF PERIMETER WALL (PAINTED). SELECTED CAPPING TO WALL.

19. REMOVE WALL.. MAKE GOOD FLOOR FINISH

20. REMOVE ARCHWAY, LIMITED BY REQUIREMENT TO SUPPORT WALL ABOVE. - CHECK ON SITE. MAKE GOOD FLOOR FINISH

21. REMOVE KITCHEN. MAKE GOOD FLOOR FINISH

22. REMOVE CUPBOARDS. REMOVE WALLS. CONSTRUCT NEW TIMBER FRAMED WALL WITH PLASTERBOARD WALL LINING FOR PAINT FINISH. INSTALL CLIENT SUPPLIED WALL ART (PAINTED SURFBOARDS). ALLOW SUPPORT STRUCTURE WITHIN WALL FOR ARTWORK.

23. REMOVE TIMBER BLADE WALL. INSTALL NEW BALUSTRADE TO CLIENT SPECIFICATION. FABRICATED ARCHED METAL BALUSTERS WITH FLAT BAR HANDRAIL (BLACK) OR SIMILAR.

24. INSTALL BOOKCASE, SHELVING AND STORAGE TO CLIENT SPECIFICATION.

25. REMOVE TOILET/LAUNDRY DOOR. MAKE GOOD WALL FINISH. CREATE NEW DOOR OPENING TO TOILET - OUTWARD OPENING.

26. REMOVE STORAGE CUPBOARD. CONSTRUCT NEW TIMBER FRAMED WALLS. INSTALL NEW KITCHEN CABINETRY AND APPLIANCES TO CLIENT SPECIFICATION. NOTE: BENCH MOUNTED 'DOWNDRAFT' EXHAUST EXTRACTOR DUCTED TO EXTERNAL WALL THROUGH FLOOR.

27. REMOVE WINDOWS. ADJUST OPENING TO SUIT NEW WINDOW LOCATION. INSTALL NEW POWDERCOATED ALUMINIUM FRAMED SLIDING GLASS WINDOW. MAKE GOOD EXTERNAL WALL WITH COMMON BRICKWORK. MAKE GOOD INTERNAL WALL WITH FRAMING FOR PLASTERBOARD LINING.

28. REMOVE DOOR. ADJUST OPENING TO SUIT NEW WINDOW LOCATION. INSTALL NEW POWDERCOATED ALUMINIUM FRAMED FIXED GLASS, SILICON JOINTED CORNER WINDOW. MAKE GOOD EXTERNAL WALL WITH COMMON BRICKWORK. MAKE GOOD INTERNAL WALL WITH FRAMING FOR PLASTERBOARD LINING.

29. REMOVE BALUSTRADE AND DECORATIVE POSTS. REMOVE CONCRETE BALCONY EDGE. MAKE GOOD EXTERNAL BRICKWORK FOR TEXTURE COATING APPLICATION. CONSTRUCT CURVED EXTERNAL WALL. FIBRE CEMENT SHEET EXTERNAL WALL LINING WITH BLACK PAINT FINISH. INSTALL 50x25 POWDERCOATED ALUMINIUM DECORATIVE BATTENS TO OUTER FACE (ON CURVE) TO MANUFACTURERS DETAILS - KNOTWOOD "WIDE BATTEN" OR SIMILAR - GREY ASH COLOUR

30. REMOVE BATHROOM FIXTURES AND FITTINGS, WALL AND FLOOR SURFACE LININGS (TILES). REMOVE DOOR, MAKE GOOD WALL LINING. CUT-IN NEW CAVITY SLIDING DOOR. INSTALL NEW BATHROOM FIXTURES AND FITTINGS, WALL AND FLOOR FINISHES (TILES).

31. INSTALL VELUX 'FCM2270' FLAT ROOF FIXED SKYLIGHT - CHECK ON SITE DIMENSION.

32. REMOVE ENSUITE FIXTURES AND FITTINGS, WALL AND FLOOR SURFACE LININGS (TILES). CONSTRUCT NEW FLOOR TO ENSUITE (175 HIGHER THAN EXISTING). INSTALL NEW BATHROOM FIXTURES AND FITTINGS, WALL AND FLOOR FINISHES (TILES).

33. INSTALL VELUX 'FCM2270' FLAT ROOF FIXED SKYLIGHT - CHECK ON SITE DIMENSION.

34. INSTALL NEW WARDROBE JOINERY TO CLIENT SPECIFICATION

35. CONSTRUCT STEP UP (344 TOTAL) TO NEW BEDROOM FLOOR LEVEL.

36. CONSTRUCT NEW FLOOR TO HALLWAY, BATHROOM, ENSUITE AND BEDROOM 1 ENTRY. 175 HIGHER THAN EXISTING.

37. CONSTRUCT NEW FLOOR TO BEDROOMS 2, 3 & 4, 175 HIGHER THAN EXISTING.

38. DELETED.

39. REMOVE CHIMNEY. MAKE GOOD WALL AND FLOOR FINISHES.

40. REMOVE INTERNAL WALLS. CONSTRUCT NEW INTERNAL WALLS TO CREATE NORTH FACING BEDROOMS. BEDROOMS 2, 3 & 4 TO INCLUDE OPEN STORAGE SPACE TO CLIENT SPECIFICATION.

41. REMOVE WINDOWS. ADJUST OPENING TO SUIT NEW WINDOW LOCATION AS NOTED. INSTALL NEW POWDERCOATED ALUMINIUM FRAMED SLIDING/LOUVRED GLASS WINDOW. MAKE GOOD WALL WITH FRAMING FOR EXTERNAL CLADDING AND INTERNAL PLASTERBOARD LINING.

42. CONSTRUCT NEW FLOOR OVER EXISTING FLOOR (519 HIGHER - BEDROOM 1 ONLY).

43. REMOVE WINDOWS. ADJUST OPENING TO SUIT NEW SLIDING DOOR LOCATION AS NOTED. INSTALL NEW POWDERCOATED ALUMINIUM FRAMED SLIDING GLASS DOOR/LOUVRE COMBINATION. MAKE GOOD WALL WITH FRAMING FOR EXTERNAL CLADDING AND INTERNAL PLASTERBOARD LINING.

44. CONSTRUCT NEW BALCONY WITH SCYON SECURA OR SIMILAR FIBRE CEMENT FLOOR SHEETING OVER ENGINEERED TIMBER FLOOR JOISTS. FALL TO NORTHERN PERIMETER WITHIN TILE BED, WATERPROOFING AND TILED FINISH. PROPRIETARY STAINLESS STEEL TROUGH DRAIN TO NORTHERN PERIMETER. FIBRE CEMENT SHEET CLAD TIMBER FRAMED WALL TO PERIMETER, APPROXIMATELY 400mm ABOVE FINISHED SURFACE LEVEL. CLEAR GLASS PANELS AS BALUSTRADE FIXED TO INSIDE FACE OF PERIMETER WALL (ENSURE NO STEP IS CREATED BY THE BALUSTRADE). WATER TAP TO BALCONY WALL FOR CLEANING. POWDERCOATED ALUMINIUM BLADED PRIVACY SCREEN TO TOP OF WALL.

45. INSTALL VELUX 'FCM4672' FLAT ROOF FIXED SKYLIGHT TO STAIRWELL.

46. REMOVE ROOF LINING AND ROOF STRUCTURE. INCREASE OUTER WALL HEIGHT TO 2969 FROM FLOOR LEVEL (2450 FROM NEW BEDROOM 1 FLOOR LEVEL). COMMON BRICKWORK, BRICK VENEER OR SIMILAR. CONSTRUCT NEW ROOF STRUCTURE - HORIZONTAL (LEVEL) CEILING JOISTS (@ 2969 TO UNDERSIDE OF JOIST FROM EXISTING FLOOR LEVEL. 2794 FROM NEW ENSUITE AND BEDROOMS 2-4 FLOOR LEVEL, 2450 FROM NEW BEDROOM 1 FLOOR LEVEL) WITH GRADUATED ROOF BATTENS TO CREATE ROOF PITCH AS NOTED ON THE ELEVATIONS (MINIMUM 1°). LYSAGHT COLORBOND STEEL "KLIP-LOK 406" OR SIMILAR ROOF SHEETING. COLORBOND WALLABY COLOUR TO ROOF SHEETING AND ASSOCIATED FLASHINGS AND TRIMS. INSTALL JAMES HARDIE "STRIA CLADDING FINE TEXTURE" AS FASCIA BOARD FOR PAINT FINISH. COLOUR TO MATCH COLORBOND SOUTHERLY COLOUR. FIBRE CEMENT SHEET EAVES LINING. FOLDED STAINLESS STEEL GUTTER WITHIN ROOF PERIMETER. PAINTED PVC DOWNPIPES AS REQUIRED.

47. JAMES HARDIE "HARDIE GROOVE LINING" TO SOFFIT OF BALCONY. PAINT FINISH TO MATCH COLORBOND SURFMIST COLOUR.

48. BATTEN OUT EXTERNAL FACE OF EXISTING BRICKWORK WALLS. INSTALL JAMES HARDIE AXON CLADDING 133mm GRAINED FOR PAINT FINISH. COLOUR TO MATCH COLORBOND SOUTHERLY, EXCEPT SOUTH FACING LEVEL 3 WALLS PAINTED TO MATCH COLORBOND WALLABY COLOUR.

49. SELECTED ACRYLIC TEXTURE COATING (RENDER OR SIMILAR) APPLIED TO BRICKWORK WALLS. COLOUR TO MATCH COLORBOND SOUTHERLY.

50. REMOVE OUTER BRICKWORK SKIN FROM NEW EAVE LEVEL DOWN TO WINDOW SILL HEIGHT (1730). SOLDIER COURSE SILL WITH APRON FLASHING. BATTEN OUT EXTERNAL FACE OF EXISTING BRICKWORK WALL. INSTALL JAMES HARDIE AXON CLADDING 133mm GRAINED FOR PAINT FINISH. COLOUR TO MATCH COLORBOND SOUTHERLY

51. REMOVE WINDOWS. ADJUST OPENING TO SUIT NEW WINDOW SIZE. INSTALL NEW POWDERCOATED ALUMINIUM FRAMED DOUBLE HUNG WINDOW.

EXTERNAL WINDOW AND GLAZED DOOR SCHEDULE								
	HEIGHT (mm)	WIDTH (mm)	HEAD HEIGHT (mm)	Area (m2)	STYLE	Uw	SHGCw	NOTES
NOTE: CHECK ALL EXISTING OPENING DIMENSIONS WHERE NEW WINDOW REPLACES AN EXISTING								
W1	2150	1810	2150	3.89	DOUBLE HUNG	6.44	0.75	
W2	2150	1810	2150	3.89	DOUBLE HUNG	6.44	0.75	
W3	2150	1810	2150	3.89	DOUBLE HUNG	6.44	0.75	
W4	2150	3530	2150	7.59	DOUBLE SLIDING DOOR	6.44	0.75	
W5	1730	4360	2750	7.54	SLIDING	6.44	0.75	
W6	1730	1180	2750	2.04	FIXED	6.44	0.75	SILICON JOINTED CORNER WITH W7
W7	1730	1370	2750	2.37	FIXED	6.44	0.75	SILICON JOINTED CORNER WITH W6
W8	2750	5060	2750	13.92	DOUBLE STACKING SLIDING DOOR	6.44	0.75	LOUVRE WINDOWS COUPLED EITHER END OF SLIDING DOOR
	2750	600	2750	1.65	LOUVRE	6.44	0.75	
	2750	600	2750	1.65	LOUVRE	6.44	0.75	
W9	2100	1810	2100	3.80	SLIDING DOOR	6.44	0.75	
W10	2100	1600	2100	3.36	ENTRY DOOR	6.44	0.75	TO SUIT 920 DOOR
W11	2450	1810	2450	4.43	SLIDING DOOR	6.44	0.75	LOUVRE COUPLED TO SLIDING DOOR
	2450	600	2450	1.47	LOUVRE	6.44	0.75	
W12	2100	1810	2794	3.80	SLIDING	6.44	0.75	LOUVRE COUPLED TO SLIDING DOOR
	2100	600	2794	1.26	LOUVRE	6.44	0.75	
W13	2100	1810	2794	3.80	SLIDING	6.44	0.75	LOUVRE COUPLED TO SLIDING DOOR
	2100	600	2794	1.26	LOUVRE	6.44	0.75	
W14	2100	1810	2794	3.80	SLIDING	6.44	0.75	LOUVRE COUPLED TO SLIDING DOOR
	2100	600	2794	1.26	LOUVRE	6.44	0.75	
W15	1800	1800	2700	3.24	LOUVRE	6.44	0.75	
W16	1800	900	2400	1.62	LOUVRE	N/A	N/A	SOLID BLADES AS LOUVRES
SL1	572	1792	N/A	1.03	FCM2270	2.90	0.456	VELUX FIXED GLASS SKYLIGHT
SL2	572	1792	N/A	1.03	FCM2270	2.90	0.456	VELUX FIXED GLASS SKYLIGHT
SL3	1181	1842	N/A	2.18	FCM4672	2.90	0.456	VELUX FIXED GLASS SKYLIGHT

Basix Commitments

LIGHTING

Min. of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent or light-emitting-diode (LED) lamps.

FIXTURES

- *Showerheads to have flow rate < 9L/min. or 3 Star rating.
- *Toilets to have flow rate < 4L/flush or min. 3 Star water rating.
- *Taps to have flow rate < 9L/min. or min. 3 Star water rating.

See 'BASIX' Certificate A1794017.

STANDARD NOTES

SMOKE DETECTION DEVICES MUST BE INSTALLED IN CLASS 1a BUILDINGS IN ACCORDANCE WITH PART 9.5 OF THE NATIONAL CONSTRUCTION CODE, AS3786 AND THE MANUFACTURERS SPECIFICATION RECOMMENDATIONS AND MUST BE CONNECTED TO THE CONSUMER MAINS POWER WHERE CONSUMER MAINS POWER IS SUPPLIED TO THE BUILDING. THE DETECTOR MUST BE INSTALLED ON OR NEAR THE CEILING AND LOCATED BETWEEN EACH PART OF THE DWELLING CONTAINING BEDROOMS AND THE HALLWAY, IN THAT HALLWAY, AND IN ANY OTHER STOREY NOT CONTAINING BEDROOMS.

GLASS INSTALLATIONS COMPLYING WITH THE REQUIREMENTS OF AS1288 AND TO BE OF ADEQUATE THICKNESS FOR THE TERRAIN CATEGORY AND WIND LOADING APPLICABLE TO THE ALLOTMENT LOCATION.

WATERPROOFING OF WET AREAS MUST COMPLY WITH THE PROVISIONS OF AS3740 OR PART 10.2 OF THE NATIONAL CONSTRUCTION CODE VOLUME 2.

ALL ROOMS BEING VENTILATED IN ACCORDANCE WITH THE PROVISIONS OF PART 10.6 OF THE NATIONAL CONSTRUCTION CODE VOL.2.

BALUSTRADE CONSTRUCTION MUST COMPLY WITH THE PROVISIONS OF PART 11.3 OF THE NCC VOL.2.

A TERMITE BARRIER, OR COMBINATION OF BARRIERS, SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF AS3660.1 UPON COMPLETION, A DURABLE NOTICE MUST BE PERMANENTLY FIXED TO THE BUILDING IN A PROMINENT LOCATION SUCH AS THE METER BOX OR THE LIKE, INDICATING: THE METHOD OF PROTECTION; AND THE DATE OF INSTALLATION OF THE SYSTEM; AND WHERE A CHEMICAL BARRIER IS USED, ITS LIFE EXPECTANCY AS LISTED ON THE NATIONAL REGISTRATION AUTHORITY LABEL; AND THE INSTALLERS OR MANUFACTURERS

RECOMMENDATIONS FOR THE SCOPE AND FREQUENCY OF FUTURE INSPECTIONS FOR TERMITE ACTIVITY.

THE FOUNDATION WHERE A BUILDING IS TO LOCATED MUST BE CLASSIFIED IN ACCORDANCE WITH AS2870.1.

FOOTING AND SLAB CONSTRUCTION MUST COMPLY WITH AS2870 OR AS3600 OR SECTION 4 OF THE NCC HOUSING PROVISIONS VOL.2.

SUB FLOOR VENTILATION OF A SUSPENDED TIMBER FLOOR MUST BE IN ACCORDANCE WITH THE PROVISIONS OF PART 6.2 OF THE NCC VOL.2.

TIMBER SIZES AND FRAMEWORK SHALL CONFORM WITH THE REQUIREMENTS OF AS1684.

THE DOOR TO A FULLY ENCLOSED SANITARY COMPARTMENT SHALL COMPLY WITH THE PROVISIONS OF PART 10.4.2 OF THE NCC VOL.2.

MASONRY WALL TIES MUST BE PROTECTED AGAINST CORROSION WHERE EXPOSURE IS WITHIN 1km FROM THE SEA. PROTECTION AGAINST CORROSION MUST BE IN ACCORDANCE WITH PART 5.6.5 OF THE NCC.

VERTICAL ARTICULATION JOINTS MUST BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF PART 5.6.8 OF THE NCC VOL.2.

A SWIMMING POOL SHALL BE FENCED IN ACCORDANCE WITH THE SWIMMING POOL ACT 1992 PRIOR TO THE POOL BEING FILLED WITH WATER AND A SATISFACTORY INSPECTION BEING CARRIED OUT BY THE PRINCIPAL CERTIFYING AUTHORITY.

Building Design
P. 0451 955 535
BATEAU BAY NSW

chartered member of:

BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA

accredited:

Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES

ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE.

USE FIGURED DIMENSIONS ONLY.

COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.

Amendments

No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS,SCREEN,FENCE
F	08.09.25	RE-ISSUED

Ref : 2161

Date : APR.'25

Sheet : DA.12

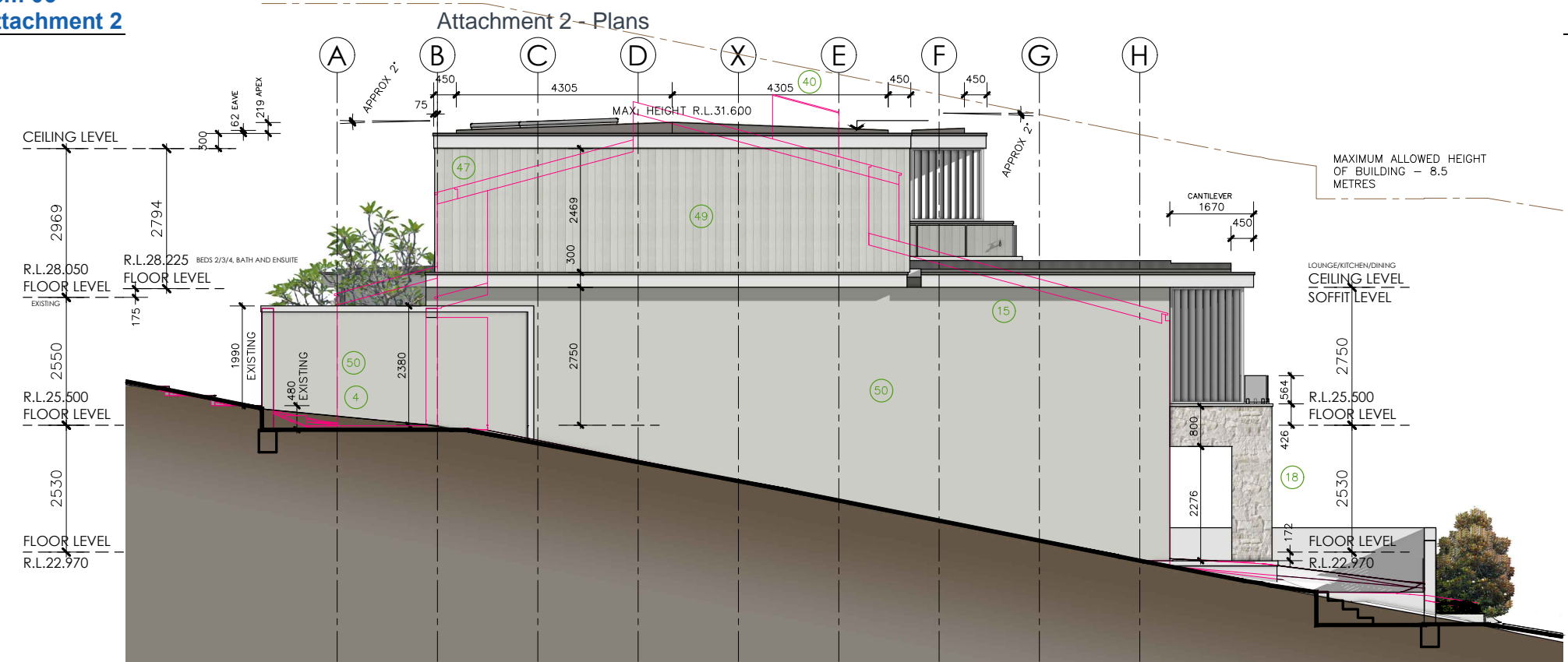
Proposed : RESIDENTIAL DEVELOPMENT

For : MRS. J. BROWN

Scale: N/A

Location:

LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445



WINDOW LEGEND	
F	FIXED PANE
H	HUNG PANE
S	SLIDING PANE
EX	EXISTING WINDOW

SEE SHEET DA.12 FOR ALTERATION/ADDITION NOTES.

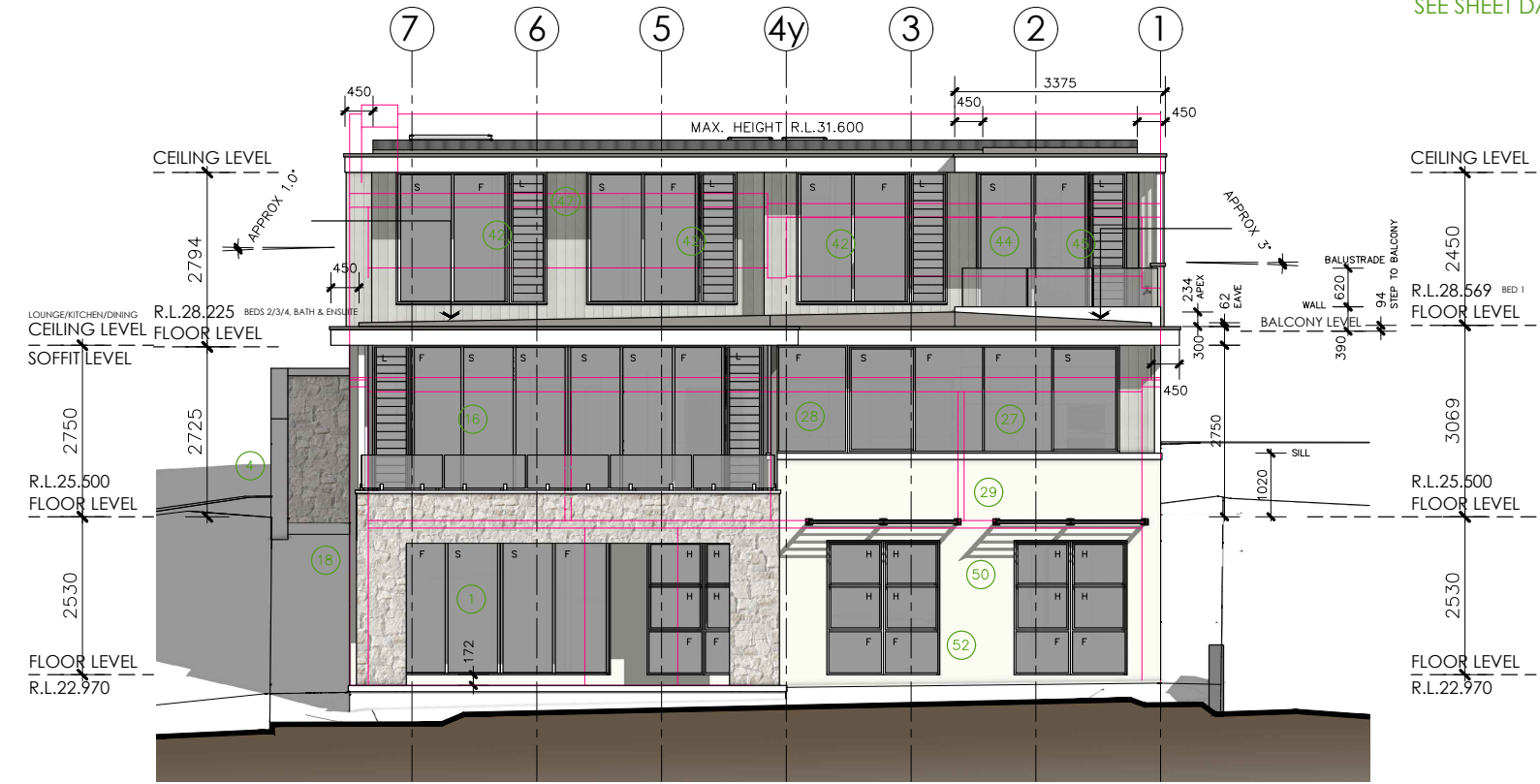
East Elevation

GROUND LINES ARE INDICATIVE AND MAY VARY DURING CONSTRUCTION.

CONSTRUCTED TO BAL12.5 (AS3959-2018)

SEE REPORT BY AUSTRALIAN BUSHFIRE CONSULTING SERVICES REF: 24-474, AND SHEETS DA.16 & DA.17 FOR CONSTRUCTION NOTES

E
DA.09/10/11



SEE SHEET DA.12 FOR ALTERATION/ADDITION NOTES.

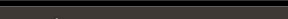


North Elevation

GROUND LINES ARE INDICATIVE AND MAY VARY DURING CONSTRUCTION.

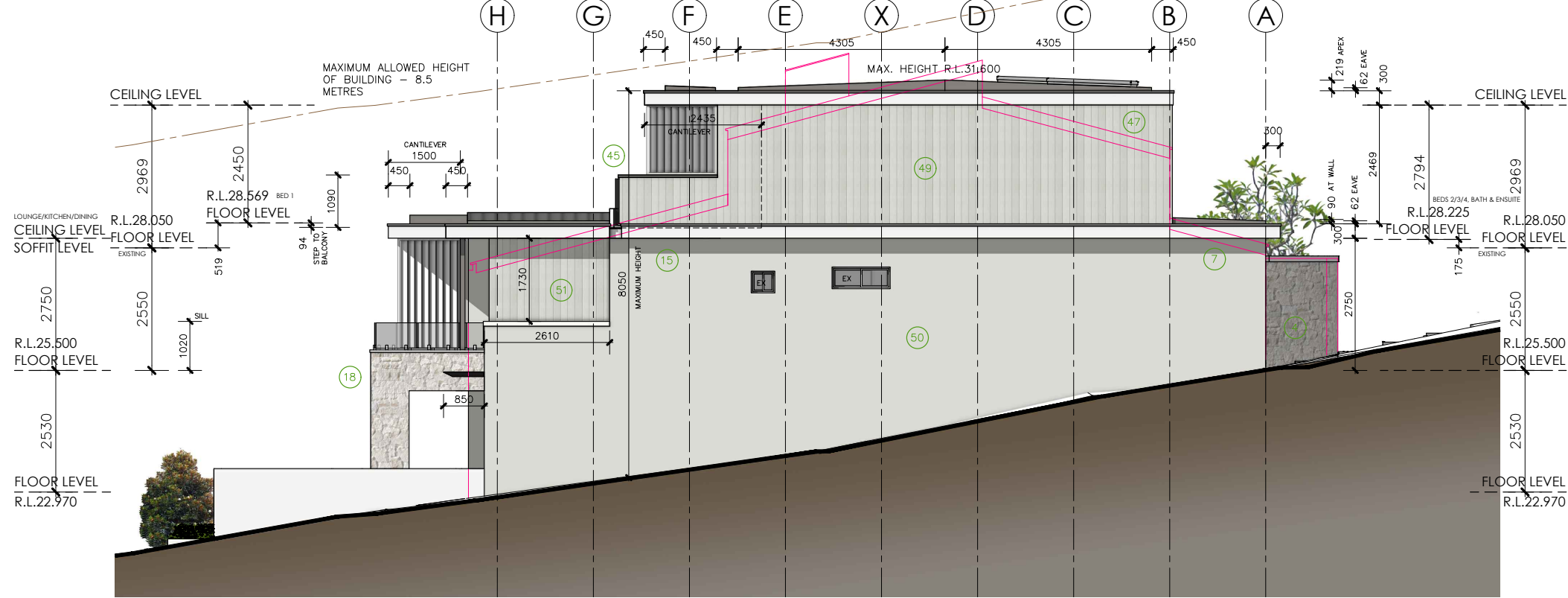
CONSTRUCTED TO BAL12.5 (AS3959-2018)

SEE REPORT BY AUSTRALIAN BUSHFIRE CONSULTING SERVICES REF: 24-474, AND SHEETS DA.16 & DA.17 FOR CONSTRUCTION NOTES

N
DA.09/10/11

 BACAD DESIGN	Building Design P. 0451 955 535 BATEAU BAY NSW	 BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA	chartered member of:  HIA GreenSmart PROFESSIONAL	accredited: Registered Design Practitioner: Richard Bacon DEP0003651	NOTES ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. FIGURED DIMENSIONS ONLY.	COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.	Amendments		Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT	Location: LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445
							No. Date Amendment	Date : APR.'25	For : MRS. J. BROWN	Scale: 1:100	
							C 01.05.25 ISSUED FOR DA				
							D 14.05.25 ISSUED FOR DA				
							E 27.08.25 WINDOWS,SCREEN,FENCE				
							F 08.09.25 PRIVACY SCREEN TO BALC.				

Attachment 2 - Plans



WINDOW LEGEND	
F	FIXED PANE
H	HUNG PANE
S	SLIDING PANE
EX	EXISTING WINDOW

SEE SHEET DA.12 FOR ALTERATION/ADDITION NOTES.

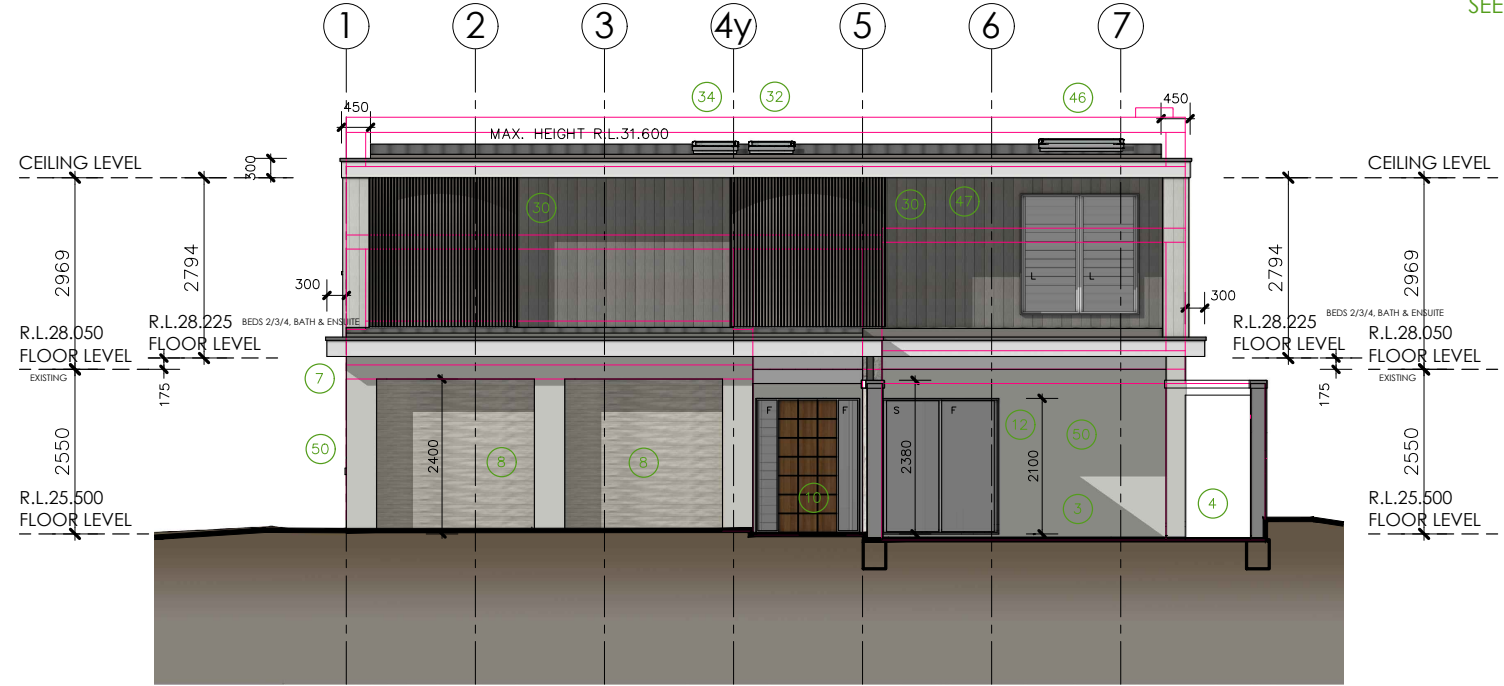
West Elevation

GROUND LINES ARE INDICATIVE AND MAY VARY DURING CONSTRUCTION.

CONSTRUCTED TO BAL12.5 (AS3959-2018)

SEE REPORT BY AUSTRALIAN BUSHFIRE CONSULTING SERVICES REF: 24-474, AND SHEETS DA.16 & DA.17 FOR CONSTRUCTION NOTES

W
DA.09/10/11



SEE SHEET DA.12 FOR ALTERATION/ADDITION NOTES.




South Elevation

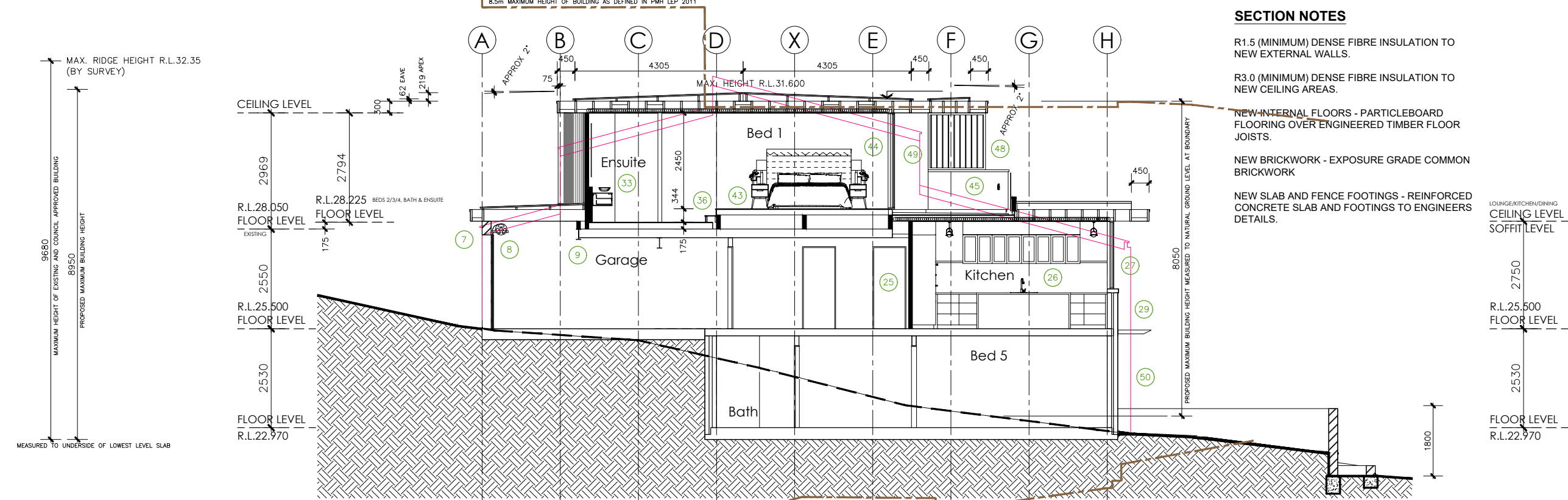
GROUND LINES ARE INDICATIVE AND MAY VARY DURING CONSTRUCTION.

CONSTRUCTED TO BAL12.5 (AS3959-2018)

SEE REPORT BY AUSTRALIAN BUSHFIRE CONSULTING SERVICES REF: 24-474, AND SHEETS DA.16 & DA.17 FOR CONSTRUCTION NOTES

S
DA.09/10/11

 Building Design P. 0451 955 535 BATEAU BAY NSW	 BUILDR DESIGNERS ASSOCIATION OF AUSTRALIA	chartered member of:  HIA GreenSmart PROFESSIONAL Registered Design Practitioner: Richard Bacon DEP0003651	NOTES ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. USE FIGURED DIMENSIONS ONLY.	COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.	Amendments	Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT	Location: LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445
					No. Date Amendment	Date : APR.'25	For : MRS. J. BROWN	
					C 01.05.25 ISSUED FOR DA	Sheet : DA.14	Scale: 1:100	
					D 14.05.25 ISSUED FOR DA			
					E 27.08.25 WINDOWS, SCREEN, FENCE			
					F 08.09.25 PRIVACY SCREEN TO BALC.			



SECTION NOTES

R1.5 (MINIMUM) DENSE FIBRE INSULATION TO NEW EXTERNAL WALLS.

R3.0 (MINIMUM) DENSE FIBRE INSULATION TO NEW CEILING AREAS.

NEW INTERNAL FLOORS - PARTICLEBOARD FLOORING OVER ENGINEERED TIMBER FLOOR JOISTS.

NEW BRICKWORK - EXPOSURE GRADE COMMON BRICKWORK

NEW SLAB AND FENCE FOOTINGS - REINFORCED CONCRETE SLAB AND FOOTINGS TO ENGINEERS DETAILS.

LOUNGE/KITCHEN/DINING
CEILING LEVEL
SOFFIT LEVEL

R.L.25.500
FLOOR LEVEL

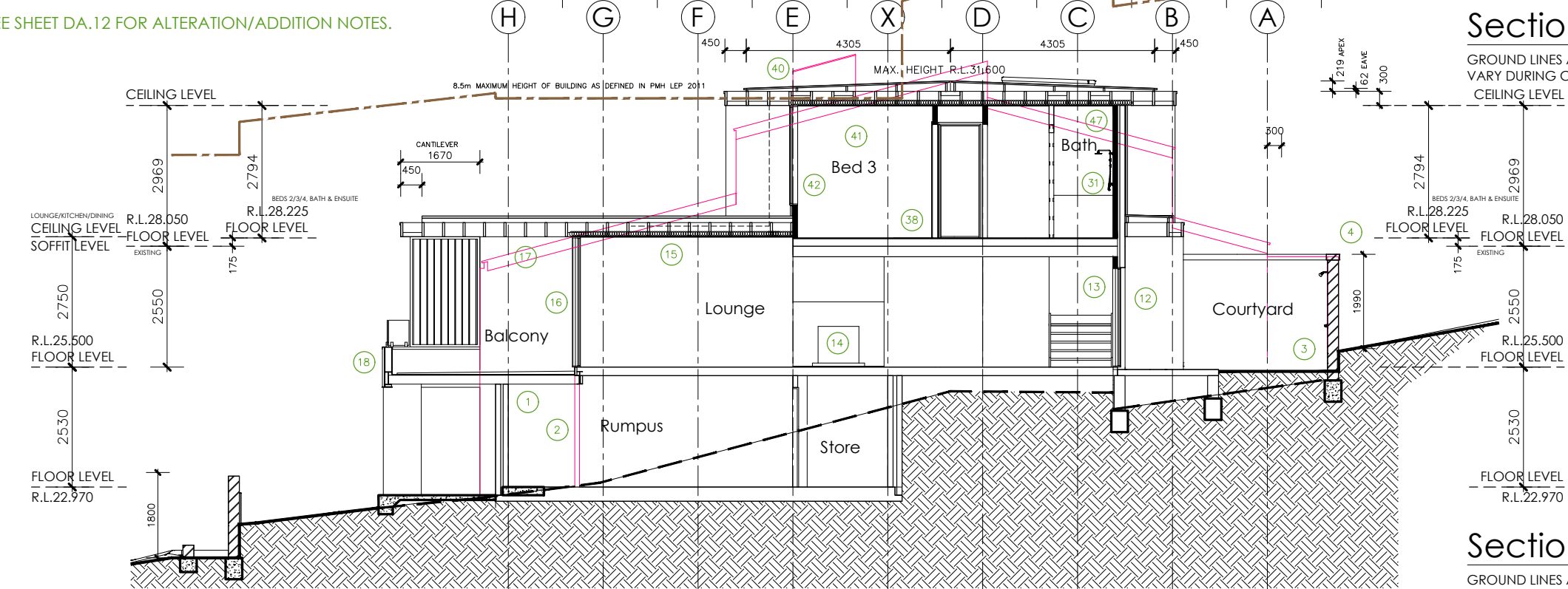
2750

2530

FLOOR LEVEL
R.L.22.970

1800

SEE SHEET DA.12 FOR ALTERATION/ADDITION NOTES.



Section 1

GROUND LINES ARE INDICATIVE AND MAY VARY DURING CONSTRUCTION.




CEILING LEVEL

ALL TIMBER SIZES AND SPANS TO COMPLY WITH
TIMBER FRAMING CODE
AS1684.2-2010 TO
CONSULTING ENGINEERS
DETAILS.

Section 2

GROUND LINES ARE INDICATIVE AND MAY VARY DURING CONSTRUCTION.

SEE SHEET DA.12 FOR ALTERATION/ADDITION NOTES.

 BACAD DESIGN	Building Design P. 0451 955 535 BATEAU BAY NSW	chartered member of:  BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA	accredited:  Registered Design Practitioner: Richard Bacon DEP0003651	NOTES ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. USE FIGURED DIMENSIONS ONLY.	COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.	Amendments		Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT	Location: LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445
						No. Date Amendment		Date : APR.'25	For : MRS. J. BROWN	
						C 01.05.25	ISSUED FOR DA	Sheet : DA.15	Scale: 1:100	
						D 14.05.25	ISSUED FOR DA			
						E 27.08.25	WINDOWS, SCREEN, FENCE			
						F 08.09.25	PRIVACY SCREEN TO BALC.			

SECTION 3 CONSTRUCTION GENERAL

3.1 GENERAL

This Section specifies general requirements for the construction of buildings for all Bushfire Attack Levels (BALs).

The BALs and the corresponding Sections for specific construction requirements are listed in Table 3.1.

3.2 CONSTRUCTION REQUIREMENTS FOR SPECIFIC STRUCTURES

3.2.1 Attached structures and structures sharing a common roof space

Where any part of a garage, carport, veranda, cabana, studio, storage area or similar roofed structure is attached to, or shares a common roof space with, a building required to conform with this Standard, the entire garage, carport, veranda or similar roofed structure shall conform with the construction requirements of this Standard, as applicable to the subject building.

Alternatively, the structure shall be separated from the subject building by a wall that extends to the underside of a non-combustible roof covering, and that conforms with one of the following:

- (a) The wall shall have an FRL of not less than 60/60/60 for loadbearing walls and -/60/60 for non-loadbearing walls when tested from the attached structure side and shall have openings protected as follows:
- (i) *Doorways*—by self-closing fire doors with an FRL of -/60/30, conforming with AS 1905.1 and tested in accordance with AS 1530.4.
- (ii) *Windows*—by fire windows with an FRL of -/60/- when tested in accordance with AS 1530.4 and permanently fixed in the closed position.
- (iii) *Other openings*—by construction with an FRL of not less than -/60/- when tested in accordance with AS 1530.4.

NOTE: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not conform with Item (iii).

or

- (b) The wall shall be of masonry, earth or masonry-veneer construction with the masonry leaf of not less than 90 mm in thickness and shall have openings protected as follows:
- (i) *Doorways*—by self-closing fire doors with an FRL of -/60/30, conforming with AS 1905.1 and tested in accordance with AS 1530.4.
- (ii) *Windows*—by fire windows with an FRL of -/60/- when tested in accordance with AS 1530.4 and permanently fixed in the closed position.
- (iii) *Other openings*—by construction with an FRL of not less than -/60/- when tested in accordance with AS 1530.4.

NOTE: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not conform with Item (iii).

3.2.2 Garages and carports beneath the subject building

Where a garage or carport is beneath a building required to comply with this Standard, it shall conform with the construction requirements of this Standard, as applicable to the subject building.

Alternatively, any construction separating the garage or carport (including walls and flooring systems) from the remainder of the building shall conform with one of the following:

- (a) The separating construction shall have an FRL of not less than 60/60/60 for loadbearing construction and -/60/60 for non-loadbearing construction when tested from the garage or carport side and shall have openings protected in accordance with the following:
- (i) *Doorways*—by self-closing fire doors with an FRL of -/60/30, conforming with AS 1905.1 and tested in accordance with AS 1530.4.
- (ii) *Windows*—by fire windows with an FRL of -/60/- when tested in accordance with AS 1530.4 and permanently fixed in the closed position.
- (iii) *Other openings*—by construction with an FRL of not less than -/60/- when tested in accordance with AS 1530.4.

NOTE: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not conform with Item (iii).

or

- (b) Where part or all of the separating construction is a wall, the wall need not conform with Item (a) above, provided the wall is of masonry, earth or masonry-veneer construction with the masonry leaf of not less than 90 mm in thickness and the wall has openings protected in accordance with the following:
- (i) *Doorways*—by self-closing fire doors with an FRL of -/60/30 conforming with AS 1905.1 and tested in accordance with AS 1530.4.
- (ii) *Windows*—by fire windows with an FRL of -/60/- when tested in accordance with AS 1530.4 and permanently fixed in the closed position.
- (iii) *Other openings*—by construction with an FRL not less than -/60/- when tested in accordance with AS 1530.4.

NOTE: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not conform with Item (iii).

3.2.3 Adjacent structures on the subject allotment

Where any garage, carport, or similar roofed structure on the subject allotment is not attached to a building required to conform with this Standard, that structure shall conform with the construction requirements of this Standard.

Alternatively, the adjacent structure shall be separated from the subject building by one of the following:

- (a) A distance of not less than 6 m from the building required to conform with this Standard. This distance is measured as any of the horizontal straight lines from the adjacent structure to the subject building.

or

- (b) A wall of the building required to conform that extends to the underside of a non-combustible roof covering and has an FRL of not less than 60/60/60 for loadbearing walls and -/60/60 for non-loadbearing walls when tested from the outside. Any openings in the wall shall be protected in accordance with the following:
- (i) *Doorways*—by self-closing fire doors with an FRL of -/60/30, conforming with AS 1905.1 and tested in accordance with AS 1530.4.
- (ii) *Windows*—by fire windows with an FRL of -/60/- when tested in accordance with AS 1530.4 and permanently fixed in the closed position.
- (iii) *Other openings*—by construction with an FRL of not less than -/60/- when tested in accordance with AS 1530.4.

NOTE: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not conform with Item (iii).

or

- (c) A wall of the building required to conform that extends to the underside of a non-combustible roof covering and is of masonry, earth or masonry-veneer construction with the masonry leaf of not less than 90 mm in thickness. Any openings in the wall shall be protected in accordance with the following:
- (i) *Doorways*—by self-closing fire doors with an FRL of -/60/30, conforming with AS 1905.1 and tested in accordance with AS 1530.4.
- (ii) *Windows*—by fire windows with an FRL of -/60/- when tested in accordance with AS 1530.4 and permanently fixed in the closed position.
- (iii) *Other openings*—by construction with an FRL of not less than -/60/- when tested in accordance with AS 1530.4.

NOTE: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not conform with Item (iii).

3.3 EXTERNAL MOULDINGS

Unless otherwise required in Clause 3.6.1 and Sections 4 to 9, combustible external mouldings, jointing strips, trims and sealants may be used for decorative purposes or to cover joints between sheeting material.

3.4 HIGHER LEVELS OF CONSTRUCTION

The construction requirements specified for a particular BAL shall be acceptable for a lower level.

NOTE: For example, if the site has been assessed at BAL-12.5, BAL-12.5 construction is required; however any element or combination of elements contained in BAL-19, BAL-29, BAL-40 and BAL-FZ levels of construction may be used to satisfy this Standard.

3.5 REDUCTION IN CONSTRUCTION REQUIREMENTS DUE TO SHIELDING

Where an elevation is not exposed to the source of bushfire attack, then the construction requirements for that elevation can reduce to the next lower BAL. However, it shall not reduce to below BAL-12.5.

An elevation is deemed to be not exposed to the source of bushfire attack if all of the straight lines between that elevation and the source of bushfire attack are obstructed by another part of the same building (see Figure 3.1). However, it shall not reduce to below BAL 12.5.

The shielding of an elevation shall apply to all the elements of the wall, including openings, but shall not apply to subfloors or roofs.

3.6 VENTS, WEEPHOLES, GAPS AND SCREENING MATERIALS

3.6.1 Vents, weepholes, joints and the like

All gaps including vents, weepholes and the like shall be screened, except for weepholes to the sills of windows and doors.

All joints shall be suitably backed with a breathable sarking or mesh, except as permitted by Clause 3.3.

The maximum allowable aperture size of any mesh or perforated material used as a screen shall be 2mm.

3.6.1 Weepholes in sills of windows and doors and those gaps between doors and door jambs, heads or sills (thresholds) are exempt from screening because they do not provide a direct passage for embers to the interior of the building or building cavity.

3.6.2 Gaps to door and window openings

Where screens are fitted to door openings for ember protection, they shall have a maximum aperture of 2.0 mm and be tight fitting to the frame in the

closed position.

Gaps between doors including jambs, heads or sills (thresholds) shall be protected using draught seals and excluders or the like (see Figure 3.2).

Windows conformant with AS 2047 will satisfy the requirements for gap protection. Screens fitted to window openings shall have a maximum aperture of 2.0 mm and these shall be tight fitting to the frames.

3.6.2 There are no requirements to screen the openable parts of doors for ember protection at the lower BALs, however in many circumstances it may be desirable to screen the opening for insect protection. In such circumstances, where the insect screen is fitted internally, such screens may be considered as a door furnishing and the use of non-metallic mesh permissible, provided the screening system is fitted internally and wholly protected by the closed door.

3.7 BUSHFIRE SHUTTERS

Bushfire shutters shall -

- (a) protect the entire window assembly including framing, glazing, sash and sill;
- (b) protect the entire door assembly including framing, glazing, sill and hardware;
- (c) consist of materials specified in Clauses 5.5.1, 6.5.1, 7.5.1, 8.5.1 and 9.5.1 for the relevant BAL;
- (d) be fixed to the building and be non-removable;
- (e) be capable of being closed manually from either inside or outside or motorised shutter systems, where they are not reliant on mains power to close;
- NOTE: If power-assisted shutter systems are used then that system is powered with continuous back-up energy such as a battery system.
- (a) when in the closed position, have no gap greater than 2 mm between the shutter and the wall, frame or sill; and
- (b) where perforated, have uniformly distributed perforations with a maximum aperture of 2 mm and a perforated area no greater than 20% of the shutter.

If bushfire shutters are fitted to all external doors then at least one of those shutters shall be operable from the inside to facilitate safe egress from the building.

3.8 TESTING OF MATERIALS, ELEMENTS OF CONSTRUCTION AND SYSTEMS TO THE AS 1530.8 SERIES

Unless otherwise specified, elements of construction and systems satisfy this Standard when tested in accordance with the AS 1530.8 series for the relevant BAL level and Crib Class in Table 3.2.

Elements of construction or systems tested in accordance with AS 1530.8.1–2007 with Crib Class A prior to the issue of this Standard are acceptable.

Where any element of construction or system satisfies the test criteria in the AS 1530.8 series without screening for ember protection, the requirements of this Standard for screening of openable parts of windows shall still apply.

Where a window protected with a shutter satisfies the test criteria of the AS 1530.8 series, the additional requirements of this Standard for screening of openable parts of windows do not apply.

NOTE: The ember protection function of tested shutter has been verified by the testing.

3.9 GLAZING

Glazing requirements shall be in accordance with Sections 5 to 9 of this Standard.

NOTES:

1. Where double-glazed assemblies are used, the glazing requirements provided in this Standard apply to the external face of the glazed assembly only.
2. Refer to AS 1288 for an explanation of the terminologies used to describe various types of glass in this Standard.

3.10 SARKING (amended per PBP 2019, 7.5.2)

Any sarking used for BAL-12.5, BAL-19, BAL-29 or BAL-40 shall:

- be non-combustible; or
- comply with AS/NZS 4200.1, be installed on the outside of the frame and have a flammability index of not more than 5 as determined by AS 1530.2.

3.3.10 Sarking material is a principle component used to control condensation and is used for energy efficiency purposes under the NCC. It may be vapour permeable or impermeable dependant on its location within the structure. Seek independent advice regarding selection of sarking prior to installation.

3.11 TIMBER LOG WALLS

Where the thickness of a timber log wall is specified in Sections 5, 6 and 7, two criteria are nominated, as follows:

- (a) The nominal overall thickness is the overall thickness of the wall.
- (b) The minimum thickness is the thickness of the wall at the interface of

two logs in the wall.

For most log profiles, the thickness of the log at the interface with an adjacent log is less than the overall thickness of the wall.

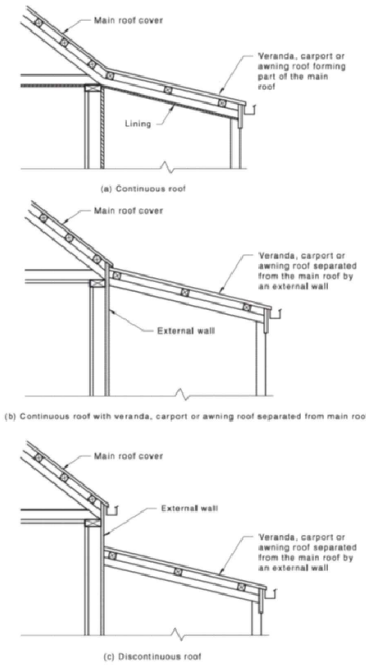


FIGURE D1 VERANDA, CARPORT OR AWNING ROOFS SHOWING CONTINUOUS AND DISCONTINUOUS ROOF TYPES

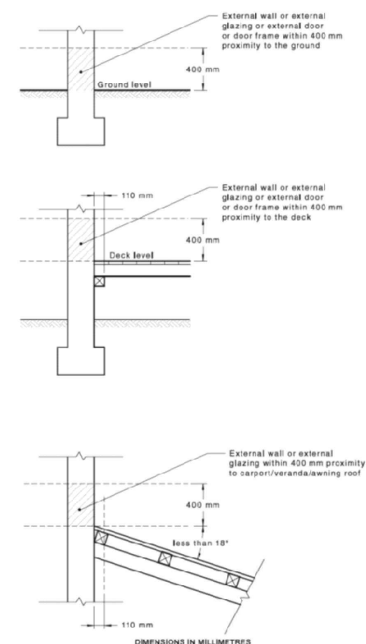


FIGURE D3 EXTERNAL WALLS OR EXTERNAL GLAZING, OR EXTERNAL DOOR/FRAMES WITHIN LIMITS ABOVE GROUND, DECKS, CARPORT ROOFS

APPENDIX D
ILLUSTRATIONS

(Normative)

The following illustrations (Figures D1 to D4) support requirements of this Standard

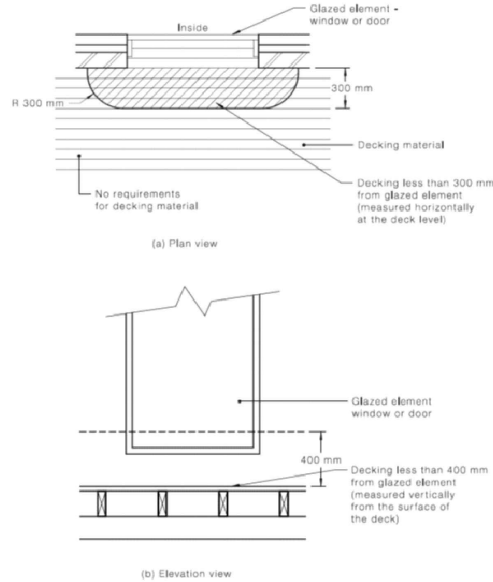


FIGURE D2 DECKING WITHIN HORIZONTAL AND VERTICAL LIMITS OF GLAZED ELEMENTS

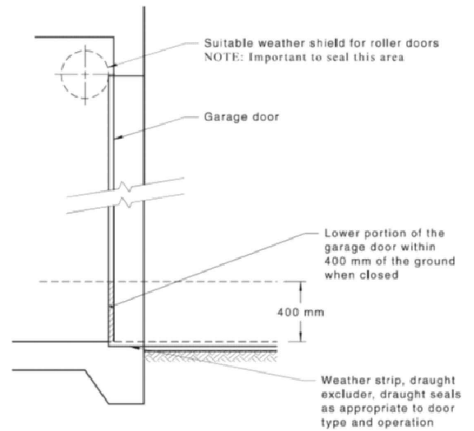


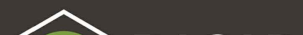


FIGURE D4 VEHICLE ACCESS DOORS (GARAGE DOORS)

AS3959-2018 Bushfire Attack Level
General Construction Notes, Sheet 1 of 2

SEE REPORT BY AUSTRALIAN BUSHFIRE CONSULTING
SERVICES REF: 24-474

Location:

LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445

 <div>BACAD DESIGN</div>	Building Design P. 0451 955 535 BATEAU BAY NSW	 <div>BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</div>	chartered member of:	accredited:  <div>Registered Design Practitioner: Richard Bacon DEP0003651</div>	NOTES ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. USE FIGURED DIMENSIONS ONLY.	COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.	<table><tr><th colspan="3">Amendments</th></tr><tr><th>No.</th><th>Date</th><th>Amendment</th></tr><tr><td>C</td><td>01.05.25</td><td>ISSUED FOR DA</td></tr><tr><td>D</td><td>14.05.25</td><td>ISSUED FOR DA</td></tr><tr><td>E</td><td>27.08.25</td><td>WINDOWS,SCREEN,FENCE</td></tr><tr><td>F</td><td>08.09.25</td><td>RE-ISSUED</td></tr></table>	Amendments			No.	Date	Amendment	C	01.05.25	ISSUED FOR DA	D	14.05.25	ISSUED FOR DA	E	27.08.25	WINDOWS,SCREEN,FENCE	F	08.09.25	RE-ISSUED	Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT	Location: LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445
							Amendments																					
							No.	Date	Amendment																			
							C	01.05.25	ISSUED FOR DA																			
D	14.05.25	ISSUED FOR DA																										
E	27.08.25	WINDOWS,SCREEN,FENCE																										
F	08.09.25	RE-ISSUED																										
Date : APR.'25	For :MRS. J. BROWN																											
Sheet : DA.16	Scale: N/A																											

Item 06
Attachment 2

Attachment 2 - Plans

SECTION 5 CONSTRUCTION FOR BUSHFIRE
ATTACK
LEVEL 12.5 (BAL -- 12.5)

5.1 GENERAL

A building assessed in Section 2 as being BAL--12.5 shall conform with Section 3 and Clauses 5.2 to 5.8.

Any element of construction or system that satisfies the test criteria of AS 1530.8.1 may be used in lieu of the applicable requirements contained in Clauses 5.2 to 5.8 (see Clause 3.8).

NOTE: BAL--12.5 is primarily concerned with protection from ember attack and radiant heat up to and including 12.5 kW/m2 where the site is less than 100 m from the source of bushfire attack.

5.2 SUB-FLOOR SUPPORTS (amended per PBP 2019, 7.5.2) insert Clause 7.2

7.2 SUB-FLOOR SUPPORTS

This Standard does not provide construction requirements for subfloor supports where the subfloor space is enclosed with -
(a) a wall that conforms with Clause 5.4 (varied from 7.4 per PBP); or
(b) mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion resistant steel, bronze or aluminium; or
(c) a combination of Items (a) and (b).

Where the subfloor space is unenclosed, the support posts, columns, stumps, piers and poles shall be -
(i) of non-combustible material; or
(ii) of bushfire-resisting timber (see Appendix F); or
(iii) a combination of Items (i) and (ii).

NOTE: This requirement applies to the subject building only and not to verandas, decks, steps, ramps and landings (see Clause 5.7).

C5.2 Combustible materials stored in the subfloor space may be ignited by embers and impact the building.
5.3 FLOORS
5.3.1 General

This Standard does not provide construction requirements for concrete slabs on the ground.

5.3.2 Elevated floors

5.3.2.1 Enclosed subfloor space

This Standard does not provide construction requirements for elevated floors, including bearers, joists and flooring, where the subfloor space is enclosed with -
(a) a wall that conforms with Clause 5.4; or
(b) a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion resistant steel, bronze or aluminium; or
(c) a combination of Items (a) and (b) above.

5.3.2.2 Unenclosed subfloor space

Where the subfloor space is unenclosed, the bearers, joists and flooring, less than 400 mm above finished ground level, shall be one of the following:

- (a) Materials that conform with the following:
- Bearer and joists shall be -
(A) non-combustible; or
(B) bushfire-resisting timber (see Appendix F); or
(C) a combination of Items (A) and (B).
 - Flooring shall be -
(A) non-combustible; or
(B) bushfire-resisting timber (see Appendix F); or
(C) timber (other than bushfire-resisting timber), particleboard or plywood flooring where the underside is lined with sarking-type material or mineral wool insulation; or
(D) a combination of any of Items (A), (B) or (C);
- or
- (b) A system conforming with AS 1530.8.1.

This Standard does not provide construction requirements for elements of elevated floors, including bearers, joists and flooring, if the underside of the element is 400 mm or more above finished ground level.

5.4 WALLS

5.4.1 General

The exposed components of an external wall that are less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the wall (see Figure D3, Appendix D) shall be one of the following:

(a) Non-combustible material including the following provided the minimum thickness is 90 mm:

- Full masonry or masonry veneer walls with an outer leaf of clay, concrete, calcium silicate or natural stone.
- Precast or in situ walls of concrete or aerated concrete.
- Earth wall including mud brick; or

(a) Timber logs of a species with a density of 680 kg/m3 or greater at a 12% moisture content; of a minimum nominal overall thickness of 90 mm and a minimum thickness of 70 mm (see Clause 3.11); and gauge planed; or

- (b) Cladding that is fixed externally to a timber-framed or a steel-framed wall and is -
- non-combustible material; or
 - fibre-cement a minimum of 6 mm in thickness; or
 - bushfire-resisting timber (see Appendix F); or
 - a timber species as specified in Paragraph E1, Appendix E; or
 - a combination of any of Items (i), (ii), (iii) or (iv); or
- (a) A combination of any of Items (a), (b) or (c).

This Standard does not provide construction requirements for the exposed components of an external wall that are 400 mm or more from the ground or 400 mm or more above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the wall (see Figure D3, Appendix D).

5.4.2 Joints

All joints in the external surface material of walls shall be covered, sealed, overlapped, backed or butt-jointed.

5.4.3 Vents and weepholes

Except for exclusions provided in Clause 3.6, vents and weepholes in external walls shall be screened with a mesh made of corrosion-resistant steel, bronze or aluminium.

5.5 EXTERNAL GLAZED ELEMENTS, ASSEMBLIES AND DOORS
5.5.1 Bushfire shutters

Where fitted, bushfire shutters shall conform with Clause 3.7 and be made from -
(a) non-combustible material; or
(b) a timber species as specified in Paragraph E1, Appendix E; or
(c) bushfire-resisting timber (see Appendix F); or
(d) a combination of any of Items (a), (b) or (c).

5.5.2 Screens for windows and doors

Where fitted, screens for windows and doors shall have a mesh or perforated sheet made of corrosion-resistant steel, bronze or aluminium.

The frame supporting the mesh or perforated sheet shall be made from -

- (a) metal; or
(b) bushfire-resisting timber (see Appendix F); or
(c) a timber species as specified in Paragraph E2, Appendix E.

5.5.3 Windows and sidelights

Window assemblies shall:

- (a) Be completely protected by a bushfire shutter that conforms with Clause 3.7 and Clause 5.5.1; or
(b) Be completely protected externally by screens that conform with Clause 3.6 and Clause 5.5.2.

C5.5.3 For Clause 5.5.3(b), the screening needs to be applied to cover the entire assembly, that is including framing, glazing, sash, sill and hardware.

- or
- (c) Conform with the following:
- Frame material For window assemblies less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the window frame (see Figure D3, Appendix D), window frames and window joinery shall be made from one of the following:
(A) Bushfire-resisting timber (see Appendix F); or
(B) A timber species as specified in Paragraph E2, Appendix E; or
(C) Metal; or
(D) Metal-reinforced uPVC. The reinforcing members shall be made from aluminium, stainless steel, or corrosion-resistant steel.
- There are no specific restrictions on frame material for all other windows.
- Hardware There are no specific restrictions on hardware for windows.
 - Glazing Where glazing is less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the window frame (see Figure D3, Appendix D), this glazing shall be Grade A safety glass a minimum of 4 mm in thickness or glass blocks with no restriction on glazing methods.

NOTE: Where double-glazed assemblies are used above, the requirements apply to the external pane of the glazed assembly only. For all other glazing, annealed glass may be used in accordance with AS 1288.

- Seals and weather strips There are no specific requirements for seals and weather strips at this BAL level.
- Screens The openable portions of windows shall be screened internally or externally with screens that conform with Clause 3.6 and Clause 5.5.2.

C5.5.3 For Clause 5.5.3(c), screening to openable portions of all windows is required in all BALs to prevent the entry of embers to the building when the window is open.

For Clause 5.5.3(c)(v), screening of the openable and fixed portions of some windows is required to reduce the effects of radiant heat on annealed glass and has to be externally fixed.

For Clause 5.5.3(c)(v), if the screening is required only to prevent the entry of embers, the screening may be fitted externally or internally.

5.5.4 Doors--Side-hung external doors (including French doors, panel fold and bifold doors)

Side-hung external doors, including French doors, panel fold and bi-fold doors, shall -

- (a) be completely protected by bushfire shutters that conform with Clause 3.7 and Clause 5.5.1; or
- (b) be completely protected externally by screens that conform with Clause 3.6 and Clause 5.5.2; or
- (c) conform with the following:
- Door panel material Materials shall be -
(A) non-combustible; or
(B) solid timber, laminated timber or reconstituted timber, having a minimum thickness of 35 mm for the first 400 mm above the threshold; or
(C) hollow core, solid timber, laminated timber or reconstituted timber with a non-combustible kickplate on the outside for the first 400 mm above the threshold; or
(D) hollow core, solid timber, laminated timber or reconstituted timber protected externally by a screen that conforms with Clause 5.5.2; or
(E) for fully framed glazed door panels, the framing shall be made from metal or bushfire resisting timber (see Appendix F) or a timber species as specified in Paragraph E2, Appendix E or uPVC.
 - Door frame material Door frame materials shall be -
(A) bushfire resisting timber (see Appendix F); or
(B) a timber species as specified in Paragraph E2 of Appendix E; or
(C) metal; or
(D) metal-reinforced uPVC. The reinforcing members shall be made from aluminium, stainless steel, or corrosion-resistant steel.
 - Hardware There are no specific requirements for hardware at this BAL level.
 - Glazing the glazing shall be Grade A safety glass a minimum of 4 mm in thickness, or glass blocks with no restriction on glazing methods.
NOTE: Where double glazed units are used the above requirements apply to the external face of the window assembly only.
 - Seals and weather strips Weather strips, draft excluders or draft seals shall be installed.
 - Screens There are no requirements to screen the openable part of the door at this BAL level.
 - Doors shall be tight-fitting to the door frame and to an abutting door, if applicable.

5.5.5 Doors--Sliding doors

Sliding doors shall -

- (a) be completely protected by a bushfire shutter that conforms with Clause 3.7 and Clause 5.5.1; or
- (b) be completely protected externally by screens that conform with Clause 3.6 and Clause 5.5.2; or
- (c) conform with the following:
- Frame material The material for door frames, including fully framed glazed doors, shall be -
(A) bushfire-resisting timber (see Appendix F); or
(B) a timber species as specified in Paragraph E2, Appendix E; or
(C) metal; or
(D) metal-reinforced uPVC and the reinforcing members shall be made from aluminium, stainless steel, or corrosion-resistant steel.
 - Hardware There are no specific requirements for hardware at this BAL level.
 - Glazing Where doors incorporate glazing, the glazing shall be grade A safety glass a minimum of 4 mm in thickness.
 - Seals and weather strips There are no specific requirements for seals and weather strips at this BAL level.
 - Screens There is no requirement to screen the openable part of the sliding door at this BAL level.
 - Sliding panels Sliding panels shall be tight-fitting in the frames.

5.5.6 Doors--Vehicle access doors (garage doors)

The following applies to vehicle access doors:

- (a) The lower portion of a vehicle access door that is within 400 mm of the ground when the door is closed (see Figure D4, Appendix D) shall be made from -
- non-combustible material; or
 - bushfire-resisting timber (see Appendix F); or
 - fibre-cement sheet a minimum of 6 mm in thickness; or

- a timber species as specified in Paragraph E1, Appendix E; or
 - a combination of any of Items (i), (ii), (iii) or (iv).
- (a) All vehicle access doors shall be protected with suitable weather strips, draught excluders, draught seals or brushes. Door assemblies fitted with guide tracks do not need edge gap protection.
- NOTES:
- Refer to AS/NZS 4505 for door types.
 - Gaps of door edges or building elements should be protected as per Section 3.

C5.5.6(b) These guide tracks do not provide a direct passage for embers into the building.

- (c) Vehicle access doors with ventilation slots shall be protected in accordance with Clause 3.6.

5.6 ROOFS (INCLUDING PENETRATIONS, EAVES, FASCIAS AND GABLES, AND GUTTERS AND DOWNPIPES)

5.6.1 General

The following applies to all types of roofs and roofing systems:

- (a) Roof tiles, roof sheets and roof-covering accessories shall be non-combustible.
- (b) The roof/wall and roof/roof junction shall be sealed or otherwise protected in accordance with Clause 3.6.
- (c) Roof ventilation openings, such as gable and roof vents, shall be fitted with ember guards made of non-combustible material or a mesh or perforated sheet conforming with Clause 3.6 and, made of corrosion-resistant steel, bronze or aluminium.
- (d) Only evaporative coolers manufactured in accordance with AS/NZS 60335.2.98 shall be used. Evaporative coolers with an internal damper to prevent the entry of embers into the roof space need not be screened externally.

5.6.2 Tiled roofs

- Tiled roofs shall be fully sarked. The sarking shall -
(a) be located on top of the roof framing, except that the roof battens may be fixed above the sarking;
(b) cover the entire roof area including ridges and hips; and
(c) extend into gutters and valleys.

5.6.3 Sheet roofs

- Sheet roofs shall -
(a) be fully sarked in accordance with Clause 5.6.2, except that foil-backed insulation blankets may be installed over the battens; or
(b) have any gaps sealed at the fascia or wall line, hips and ridges by -
i. a mesh or perforated sheet that conforms with Clause 3.6 and that is made of corrosion-resistant steel, bronze or aluminium; or
ii. mineral wool; or
iii. other non-combustible material; or
iv. a combination of any of Items (i), (ii) or (iii).

C5.6.3 Sarking is used as a secondary form of ember protection for the roof space to account for minor gaps that may develop in sheet roofing.
5.6.4 Veranda, carport and awning roof

The following applies to veranda, carport and awning roofs:

- (a) A veranda, carport or awning roof forming part of the main roof space [see Figure D1(a), Appendix D] shall meet all the requirements for the main roof, as specified in Clauses 5.6.1 to 5.6.6.
- (b) A veranda, carport or awning roof separated from the main roof space by an external wall [see Figures D1(b) and D1(c), Appendix D] conforming with Clause 5.4 shall have a non-combustible roof covering, except where the roof covering is a translucent or transparent material.
- NOTE: There is no requirement to line the underside of a veranda, carport or awning roof that is separated from the main roof space.

5.6.5 Roof penetrations

The following applies to roof penetrations:

- (a) Roof penetrations, including roof lights, roof ventilators, roof-mounted evaporative cooling units, aerials, vent pipes and supports for solar collectors or the like, shall be sealed. The material used to seal the penetration shall be non-combustible.
- (b) Openings in vented roof lights, roof ventilators or vent pipes shall conform with Clause 3.6 and be made of corrosion-resistant steel, bronze or aluminium.

This requirement does not apply to a room sealed gas appliance.

NOTE: A gas appliance designed such that air for combustion does not enter from, or combustion products enter into, the room in which the appliance is located.

In the case of gas appliance flues, ember guards shall not be fitted.

NOTE: AS/NZS 5601 contains requirements for gas appliance flue systems and cowl. Advice can be obtained from manufacturers and State and Territory gas technical regulators.

- (c) All overhead glazing shall be Grade A safety glass conforming with AS 1288.
- (d) Glazed elements in roof lights and skylights may be of polymer

- provided a Grade A safety glass diffuser, conforming with AS 1288, is installed under the glazing. Where glazing is an insulating glazing unit (IGU), Grade A toughened safety glass of minimum 4 mm in thickness shall be used in the outer pane of the IGU.
- (e) Flashing elements of tubular skylights may be of a fire-retardant material, provided the roof integrity is maintained by an under-flashing of a material having a flammability index not exceeding five.
- (f) Evaporative cooling units shall be fitted with non-combustible butterfly closers as close as practicable to the roof level or the unit shall be fitted with non-combustible covers with a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium.
- (g) Vent pipes made from PVC are permitted.
- (h) Eaves lighting shall be adequately sealed and not compromise the performance of the element.

5.6.6 Eaves linings, fascias and gables

The following applies to eaves linings, fascias and gables:

- (a) Gables shall conform with Clause 5.4.
- (b) Eaves penetrations shall be protected in the same way as roof penetrations, as specified in Clause 5.6.5.
- (c) Eaves ventilation openings shall be fitted with ember guards in accordance with Clause 3.6 and made of corrosion-resistant steel, bronze or aluminium.

Joints in eaves linings, fascias and gables may be sealed with plastic joining strips or timber storm moulds.

This Standard does not provide construction requirements for fascias, bargeboards and eaves linings.

5.6.7 Gutters and downpipes

This Standard does not provide material requirements for -
(a) gutters, with the exception of box gutters; and
(b) downpipes.

If installed, gutter and valley leaf guards shall be non-combustible. Box gutters shall be non-combustible and flashed at the junction with the roof with non-combustible material.

5.7 VERANDAS, DECKS, STEPS AND LANDINGS (amended per PBP 2019, 7.5.2) insert Clause 7.7

7.7.1 General

Decking may be spaced. There is no requirement to enclose the subfloor spaces of verandas, decks, steps, ramps or landings.

C7.7.1 Spaced decking is nominally spaced at 3 mm (in accordance with standard industry practice); however, due to the nature of timber decking with seasonal changes in moisture content, that spacing may range from 0 mm-5 mm during service. It should be noted that recent research studies have shown that gaps at 5 mm spacing afford opportunity for embers to become lodged in between timbers, which may contribute to a fire. Larger gap spacing of 10 mm may preclude this from happening but such a spacing regime may not be practical for a timber deck.

7.7.2 Enclosed subfloor spaces of verandas, decks, steps, ramps and landings

7.7.2.1 Materials to enclose a subfloor space

The subfloor spaces of verandas, decks, steps, ramps and landings are deemed to be 'enclosed' when -
(a) the material used to enclose the subfloor space conforms with Clause 5.4 (varied from 7.4 per PBP2019), except that sarking is not required where specified in Clause 5.4.1(c); and
(b) all openings are protected in accordance with Clause 3.6 and made of corrosion resistant steel, bronze or aluminium.

7.7.2.2 Supports

This Standard does not provide construction requirements for support posts, columns, stumps, stringers, piers and poles.

7.7.2.3 Framing

This Standard does not provide construction requirements for the framing of verandas, pergolas, decks, ramps or landings (i.e. bearers and joists).

7.7.2.4 Decking, stair treads and the trafficable surfaces of ramps and landings

Decking, stair treads and the trafficable surfaces of ramps and landings shall be -

- (a) of non-combustible material; or
(b) of bushfire-resisting timber (see Appendix F); or
(c) a combination of Items (a) and (b).

7.7.3 Unenclosed subfloor spaces of verandas, decks, steps, ramps and landings

7.7.3.1 Supports

Support posts, columns, stumps, stringers, piers and poles shall be -

- (a) of non-combustible material; or
(b) of bushfire-resisting timber (see Appendix F); or
(c) a combination of Items (a) and (b).

7.7.3.2 Framing

Framing of verandas, decks, ramps or landings (i.e. bearers and joists) shall be -

- (a) of non-combustible material; or
(b) of bushfire-resisting timber (see Appendix F); or
(c) a combination of Items (a) and (b).

7.7.3.3 Decking, stair treads and the trafficable surfaces of ramps and landings

Decking, stair treads and the trafficable surfaces of ramps and landings shall be -

- (a) of non-combustible material; or
(b) of bushfire-resisting timber (see Appendix F); or
(c) a combination of Items (a) and (b).

7.7.4 Balustrades, handrails or other barriers

Those parts of the handrails and balustrades less than 125 mm from any glazing or any combustible wall shall be -

- (a) of non-combustible material; or
(b) bushfire-resisting timber (see Appendix F); or
(c) a combination of Items (a) and (b).

Those parts of the handrails and balustrades that are 125 mm or more from the building have no requirements.

7.7.5 Veranda posts

Shall be made from -

- (a) non-combustible material; or
(b) bushfire-resisting timber (see Appendix F); or
(c) a combination of any of Items (a) or (b).

5.8 WATER AND GAS SUPPLY PIPES

Above-ground, exposed water supply pipes shall be metal. External gas pipes and fittings above ground shall be of steel or copper construction having a minimum wall thickness in accordance with gas regulations or 0.9 mm whichever is the greater. The metal pipe shall extend a minimum of 400 mm within the building and 100 mm below ground.

NOTE: Refer to State and Territory gas regulations, AS/NZS 5601.1 and AS/NZS 4645.1.




C5.8 Concern is raised for the protection of bottled gas installations. Location, shielding and venting of the gas bottles needs to be considered.

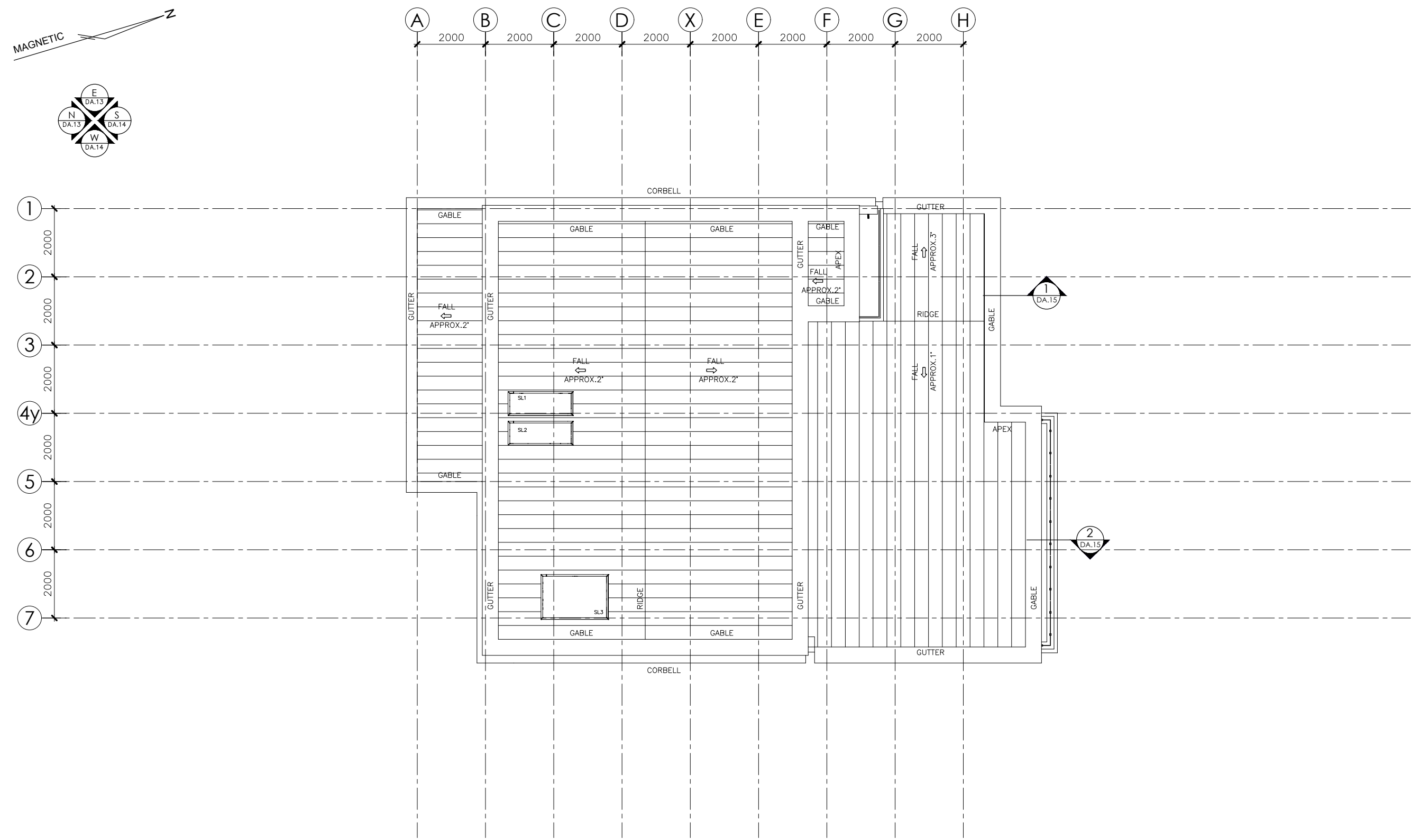
AS3959-2018 Bushfire Attack Level (BAL) 12.5
Construction Notes, Sheet 2 of 2

SEE REPORT BY AUSTRALIAN BUSHFIRE CONSULTING
SERVICES REF: 24-474


Location:

LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445


<div><div>BACAD DESIGN</div></div> <div>Building Design P. 0451 955 535 BATEAU BAY NSW</div>	<div>chartered member of:</div> <div><div>BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</div></div> <div>accredited:</div> <div><div>Registered Design Practitioner: Richard Bacon DEP0003651</div></div>	<div>NOTES</div> <div>ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE.</div> <div>USE FIGURED DIMENSIONS ONLY.</div>	<div>COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.</div>	<table><tr><th colspan="3">Amendments</th></tr><tr><th>No.</th><th>Date</th><th>Amendment</th></tr><tr><td>C</td><td>01.05.25</td><td>ISSUED FOR DA</td></tr><tr><td>D</td><td>14.05.25</td><td>ISSUED FOR DA</td></tr><tr><td>E</td><td>27.08.25</td><td>WINDOWS,SCREEN,FENCE</td></tr><tr><td>F</td><td>08.09.25</td><td>RE-ISSUED</td></tr></table>	Amendments			No.	Date	Amendment	C	01.05.25	ISSUED FOR DA	D	14.05.25	ISSUED FOR DA	E	27.08.25	WINDOWS,SCREEN,FENCE	F	08.09.25	RE-ISSUED	<table><tr><td>Ref :</td><td>2161</td><td>Proposed : RESIDENTIAL DEVELOPMENT</td></tr><tr><td>Date :</td><td>APR.'25</td><td>For : MRS. J. BROWN</td></tr><tr><td>Sheet :</td><td>DA.17</td><td>Scale: N/A</td></tr></table>	Ref :	2161	Proposed : RESIDENTIAL DEVELOPMENT	Date :	APR.'25	For : MRS. J. BROWN	Sheet :	DA.17	Scale: N/A	<div>Location:</div> <div>LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445</div>
				Amendments																													
				No.	Date	Amendment																											
				C	01.05.25	ISSUED FOR DA																											
D	14.05.25	ISSUED FOR DA																															
E	27.08.25	WINDOWS,SCREEN,FENCE																															
F	08.09.25	RE-ISSUED																															
Ref :	2161	Proposed : RESIDENTIAL DEVELOPMENT																															
Date :	APR.'25	For : MRS. J. BROWN																															
Sheet :	DA.17	Scale: N/A																															




Roof Layout




Building Design
P. 0451 955 535
BATEAU BAY NSW



chartered
member of:



accredited:



Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES
ALL DIMENSIONS SHALL BE
VERIFIED PRIOR TO
COMMENCEMENT OF ANY WORK
OR ORDERING OF ANY
MATERIALS. ANY DISCREPANCIES
TO BE REFERRED TO THIS
OFFICE.
USE FIGURED DIMENSIONS ONLY.

COPYRIGHT © 2025. THIS DESIGN IS AND
ALWAYS SHALL REMAIN THE PROPERTY OF
'BACAD DESIGN' AND MUST NOT BE LENT,
GIVEN, SOLD, HIRED OUT OR OTHERWISE
COPIED, VARIED EITHER IN WHOLE OR IN
PART WITHOUT WRITTEN CONSENT. ANY
BREACH SHALL RENDER THE DEFAULTING
PARTIES LIABLE TO LEGAL ACTION BY THE
BUSINESS.

Amendments		
No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS, SCREEN, FENCE
F	08.09.25	RE-ISSUED

Ref : 2161

Date : APR.'25

Sheet : DA.18

Proposed : RESIDENTIAL
DEVELOPMENT

For : MRS. J.
BROWN

Scale: 1:100

Location:

LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445

Port Macquarie-Hastings Council | Development Assessment Panel | 01 October 2025

Page 135

1. FALLS, SLIPS, TRIPS

a) WORKING AT HEIGHTS

DURING CONSTRUCTION

Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE

For houses or other low-rise buildings where scaffolding is appropriate:
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation.
For buildings where scaffold, ladders, trestles are not appropriate:
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

b) SLIPPERY OR UNEVEN SURFACES

FLOOR FINISHES Specified

If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES By Owner

If designer has not not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197:1999 and AS/NZ 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace.

Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways.

Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

2. FALLING OBJECTS

LOOSE MATERIALS OR SMALL OBJECTS

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road:
Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.

For building where on-site loading/unloading is restricted:
Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.

For all buildings:
Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES

GENERAL

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used.

Locations with underground power:
Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing.

Locations with overhead power lines:
Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass.

All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur.
Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES

ASBESTOS

For alterations to a building constructed prior to 1990:
If this existing building was constructed prior to:
1990 – it therefore may contain asbestos
1986 – it therefore is likely to contain asbestos
either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts or the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES

EXCAVATION

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

For buildings with enclosed spaces where maintenance or other access may be required:
Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

SMALL SPACES

For buildings with small spaces where maintenance or other access may be required:
Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING
RESIDENTIAL BUILDINGS

This building has been designed as a residential building. If it, at a later date, it is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.




10.OTHER HIGH RISK ACTIVITY

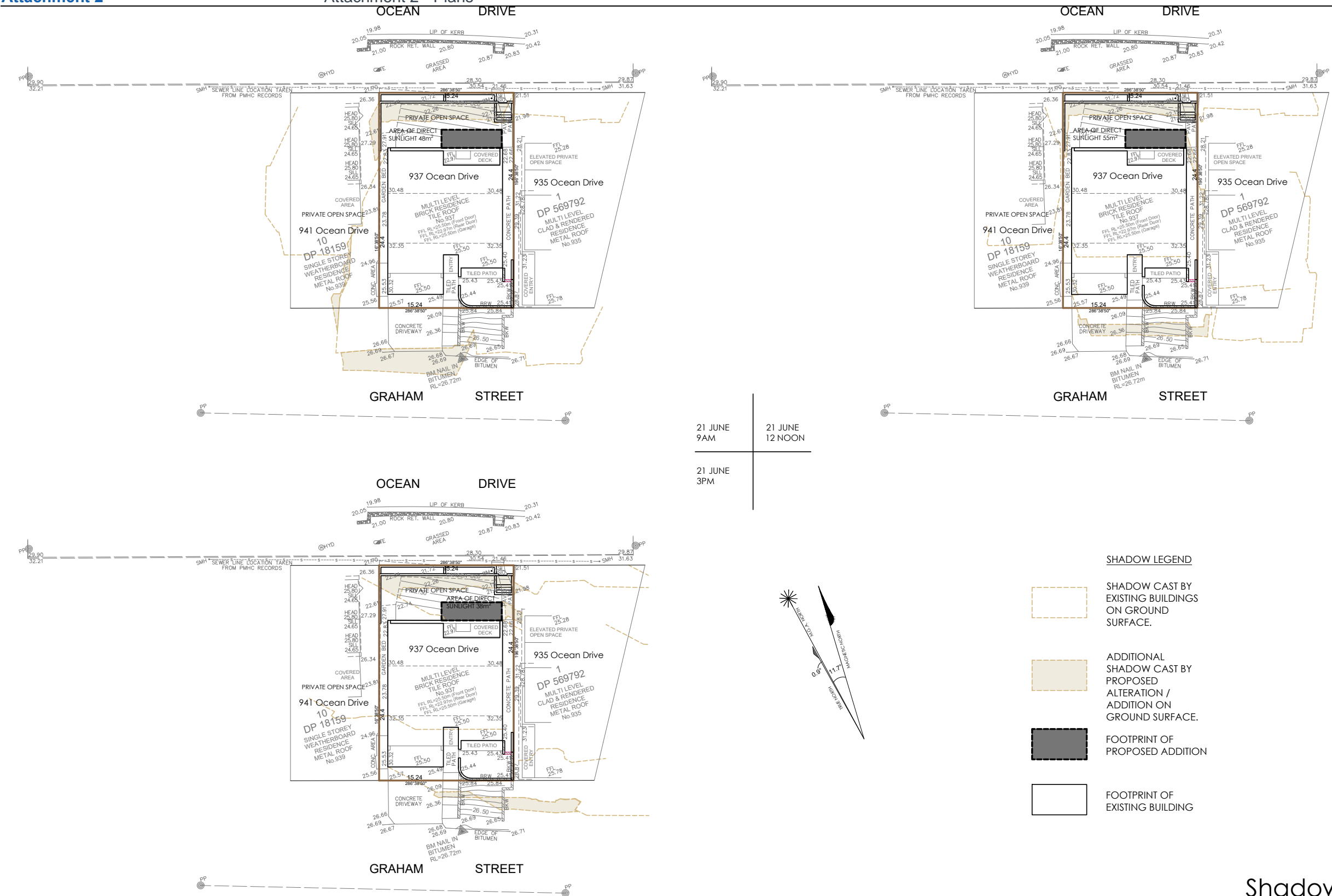
All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012 and all licensing requirements.
All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace.
All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work.
Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.

SAFE DESIGN NOTES




THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.

THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

<div><div>Building Design P. 0451 955 535 BATEAU BAY NSW</div></div>	<div>chartered member of:</div> <div><div>BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</div></div>	<div>accredited:</div> <div><div>Registered Design Practitioner: Richard Bacon DEP0003651</div></div>	<div>NOTES</div> <div>ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. USE FIGURED DIMENSIONS ONLY.</div>	<div>COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.</div>	<div>Amendments</div> <table><tr><th>No.</th><th>Date</th><th>Amendment</th></tr><tr><td>C</td><td>01.05.25</td><td>ISSUED FOR DA</td></tr><tr><td>D</td><td>14.05.25</td><td>ISSUED FOR DA</td></tr><tr><td>E</td><td>27.08.25</td><td>WINDOWS,SCREEN,FENCE</td></tr><tr><td>F</td><td>08.09.25</td><td>RE-ISSUED</td></tr></table>		No.	Date	Amendment	C	01.05.25	ISSUED FOR DA	D	14.05.25	ISSUED FOR DA	E	27.08.25	WINDOWS,SCREEN,FENCE	F	08.09.25	RE-ISSUED	<div>Ref : 2161</div> <div>Date : APR.'25</div> <div>Sheet : DA.19</div>	<div>Proposed :RESIDENTIAL DEVELOPMENT</div> <div>For :MRS. J. BROWN</div> <div>Scale: N/A</div>	<div>Location:</div> <div>LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445</div>
					No.	Date	Amendment																	
					C	01.05.25	ISSUED FOR DA																	
					D	14.05.25	ISSUED FOR DA																	
E	27.08.25	WINDOWS,SCREEN,FENCE																						
F	08.09.25	RE-ISSUED																						



Shadow Analysis

 <div>BACAD DESIGN</div>	Building Design P. 0451 955 535 BATEAU BAY NSW	 <div>BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</div>	chartered member of:  <div>accredited: Registered Design Practitioner: Richard Bacon DEP0003651</div>	NOTES ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE. USE FIGURED DIMENSIONS ONLY.	COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.	Amendments		Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT	Location: LOT 2 DP569792 937 OCEAN DRIVE BONNY HILLS NSW 2445	
						No.	Date	Amendment	Date : APR.'25		For : MRS. J. BROWN
						C	01.05.25	ISSUED FOR DA	Sheet : DA.20		Scale: 1:400
						D	14.05.25	ISSUED FOR DA			
E	27.08.25	WINDOWS,SCREEN,FENCE									
F	08.09.25	RE-ISSUED									



SELECTED SOLID TIMBER (HARDWOOD) GATE/DOOR WITH KEYPAD CONTROLLED LOCK. STAINLESS STEEL HARDWARE.

BOUNDARY FENCE, MAXIMUM 1.715m HIGH MEASURED FROM THE OCEAN DRIVE SIDE TO NATURAL GROUND LEVEL. COMMON BRICKWORK SUBSTRATE WITH SELECTED ACRYLIC TEXTURE COATED FINISH, PAINTED LIGHT COLOUR. POWDER COATED ALUMINIUM SLAT INSERT PANELS AS SHOWN (25% OF SURFACE AREA). LOW MASONRY WALL BOUNDED GARDEN AND BASE OF FENCE.

Ocean Drive Elevation

GROUND LINES ARE INDICATIVE AND MAY VARY DURING CONSTRUCTION.

ODE
DA.09/10/11




ADJUST EXISTING SCREEN WALL / BOUNDARY FENCE, MAXIMUM 2.0m HIGH MEASURED FROM THE GRAHAM STREET SIDE TO NATURAL GROUND LEVEL. COMMON BRICKWORK SUBSTRATE WITH SELECTED APPLIED STONE FINISH. RENDERED SOLDIER COURSE CAPPING TO TOP OF WALL.


Graham Street Elevation

GROUND LINES ARE INDICATIVE AND MAY VARY DURING CONSTRUCTION.


GSE
DA.09/10/11



Building Design
P. 0451 955 535
BATEAU BAY NSW



BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA



chartered member of:
accredited:
Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES
ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE.
USE FIGURED DIMENSIONS ONLY.

COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.

Amendments		
No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS,SCREEN,FENCE
F	08.09.25	RE-ISSUED

Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT
Date : APR.'25	For : MRS. J. BROWN
Sheet : DA.21	Scale: 1:100

Location:
LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445

Port Macquarie-Hastings Council | Development Assessment Panel | 01 October 2025

Page 138



AREAS LEGEND

AREAS SHOWN ARE FOR THE PURPOSE OF CALCULATING FLOOR SPACE RATIO ONLY. FLOOR AREA IS MEASURED FROM THE INTERNAL FACE OF EXTERNAL WALLS. EXCLUSIONS:

- ANY AREA OF COMMON VERTICAL CIRCULATION (STAIRS - VOID ABOVE A FLOOR AT THE LEVEL OF A STOREY OR STOREY ABOVE).
- CAR PARKING TO MEET THE REQUIREMENTS OF THE CONSENT AUTHORITY



FLOOR SPACE RATIO CALCULATIONS

EXISTING FSR

EXISTING LIVING AREA	
LEVEL 1	112.8m ²
LEVEL 2	120.1m ²
LEVEL 3	83.4m ²
TOTAL	316.3m ²

FSR	317:372
	0.85:1

PROPOSED FSR

PROPOSED LIVING AREA	
LEVEL 1	114.5m ²
LEVEL 2	120.1m ²
LEVEL 3	81.6m ²
TOTAL	316.2m ²

FSR	317:372
	0.85:1

Proposed Floor Plan LEVEL 1

AREAS
EXISTING AREA 112.8m²
PROPOSED AREA 1.7m²
EXCLUDED AREA 0m²
TOTAL AREA 114.5m²
AREA INCLUDED IN FSR CALC. 114.5m²

Proposed Floor Plan LEVEL 2

AREAS
EXISTING AREA 120.1m²
PROPOSED AREA 0m²
EXCLUDED AREA 41.6m²
TOTAL AREA 161.7m²
AREA INCLUDED IN FSR CALC. 120.1m²

Proposed Floor Plan LEVEL 3

AREAS
EXISTING AREA 83.4m²
PROPOSED AREA 5.7m²
EXCLUDED AREA 7.5m²
TOTAL AREA 89.1m²
AREA INCLUDED IN FSR CALC. 81.6m²
(89.1 - 7.5 = 81.6)

Floor Space Ratio Calculations

Building Design
P. 0451 955 535
BATEAU BAY NSW

chartered member of:

BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

accredited:

Registered Design Practitioner:
Richard Bacon
DEP0003651

NOTES
ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF ANY WORK OR ORDERING OF ANY MATERIALS. ANY DISCREPANCIES TO BE REFERRED TO THIS OFFICE.
USE FIGURED DIMENSIONS ONLY.

COPYRIGHT © 2025. THIS DESIGN IS AND ALWAYS SHALL REMAIN THE PROPERTY OF 'BACAD DESIGN' AND MUST NOT BE LENT, GIVEN, SOLD, HIRED OUT OR OTHERWISE COPIED, VARIED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. ANY BREACH SHALL RENDER THE DEFAULTING PARTIES LIABLE TO LEGAL ACTION BY THE BUSINESS.

Amendments		
No.	Date	Amendment
C	01.05.25	ISSUED FOR DA
D	14.05.25	ISSUED FOR DA
E	27.08.25	WINDOWS, SCREEN, FENCE
F	08.09.25	RE-ISSUED

Ref : 2161	Proposed : RESIDENTIAL DEVELOPMENT
Date : APR. '25	For : MRS. J. BROWN
Sheet : DA.22	Scale: 1:200

Location:
LOT 2 DP569792
937 OCEAN DRIVE
BONNY HILLS NSW 2445

CLAUSE 4.6 VARIATION REQUEST

HEIGHT OF BUILDING(HOB) & FLOOR SPACE RATIO(FSR)

Lot 2 DP 569792 No. 937 Ocean Drive, BONNY HILLS NSW 2445
Proposed Residential Alterations & Additions

Prepared by: Aconsult Development and Environmental Planning Consultants

SEPTEMBER, 2025



SUMMARY

The following written request has been prepared in accordance with the provisions of Clause 4.6- Exception to development standards of the Port Macquarie- Hastings Local Environmental Plan, 2011 (PMHLEP, 2011) to support the Development Application (DA) (PAN-534098) for proposed residential alterations and additions to the existing dwelling house on land at No. 937 Ocean Drive, Bonny Hills (the site), legally described as Lot 2 in Deposited Plan (DP) No. 569792.

The site is zoned R1- General Residential under the PMHLEP, 2011 and development for the purposes of a dwelling house is permitted with consent.

The current proposal before Council provides a technical non-compliance to the following development standards applying to the site, per the PMHLEP, 2011:

- **Clause 4.3- Height of Buildings (HOB)**- maximum 8.5 metres (m)- proposed 8.95m- existing 9.68m. The DA seeks support for a numerical variation of 5.3% to the current statutory HOB development standards- *Please refer to Part C of this report.*
- **Clause 4.4- Floor Space Ratio (FSR)**- maximum 0.65:1- proposed 0.85:1- existing 0.85:1- approved by Council- 0.79:1. The DA seeks support for a numerical variation of 31% to the current statutory FSR development standards- *Please refer to Part D of this report.*



PART A-PRELIMINARY

1.1 INTRODUCTION

This Request is prepared in consideration of the following objectives provided within Clause 4.6 of the PMHLEP, 2011:

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The variations are sought as a consequence of the existing built form (dwelling) having been approved under:

- a. BA 1979-21 including an GFA of 283m² and a HOB of 9.68m; and*
- b. BA 1993-1540 including an additional 9m² of GFA resulting in a total approved GFA 292m² or an FSR of 0.79:1.*

Separately the existing GFA of the dwelling was further increased as a result of the enclosure of the Level 1 patio and part of the Level 2 balcony. This action effectively increased the GFA to a total 316.3m² or + 24.3m²; producing an existing FSR of 0.85:1.

The current DA before Council produces a GFA of 316.2m² producing an FSR of 0.85:1. There is no change to the existing and proposed FSR, as it tends to relate to perceived bulk and scale of a structure.

The variations sought to both HOB and FSR result from approval of a dwelling prior to the introduction of current HOB and FSR development standards; which introduce development standards that equate to less than those previously supported and approved by Council. The statutory development standards referred to, reflected in the current PMHLEP, 2011, commenced:

- A. Floor Space Ratio (FSR)- 0.65:1- 23/02/2011; and
- B. Height of Building (HOB)- 8.5m- 28/07/2017

Currently the DA before Council seeks to contemporize and refresh existing improvements with the principal design objectives adopted in the proposal being:

- Refresh the streetscape to a contemporary aesthetic.
- Complement the character of the coastal setting.

- Construct new building forms, both functional and aesthetically appealing that positively contribute to the coastal setting.
- Utilize the available naturally occurring resources to create comfortable spaces for occupants (breezes etc.).
- Create areas for occupants to enjoy the setting in an indoor and outdoor capacity.
- Have minimal impact on the amenity of the subject property and neighboring properties.

Application of the objectives of Clause 4.6 of the PMHLEP, 2011 are considered appropriate within the circumstances of the case to provide an appropriate level of flexibility for development to correspond to the existing built form achieved on the site, which predates current legislation.


1.2 PLANNING JUSTIFICATION

This Clause 4.6 Variation Request has been prepared in accordance with the aims and objectives contained within Clause 4.6 and the relevant development standards under PMHLEP, 2011. It considers the various planning controls, strategic planning objectives and existing characteristics of the site plus built improvements, and concludes that the proposed non-compliances achieve the objectives of providing for the housing needs of the community plus a variety of housing types and densities along with meritorious development of land under Section 4 of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979).

Further, this Clause 4.6 Variation Request has demonstrated that there are sufficient environmental planning grounds for the departure to FSR and HOB development standards in accordance with Clause 4.6(3)(b) of the PMHLEP, 2011. In this respect, this Clause 4.6 Variation Request has provided the following:

- Identified the specific aspect or feature of the development that contravenes the relevant development standard;
- Justifies why the contravention of the development standard is acceptable; and
- Provides explanation on what basis there are sufficient environmental planning grounds to justify contravening the development standard.

In justifying the proposed contravention and demonstrating sufficient environmental planning grounds, this request is considered to have demonstrated how the proposed contraventions themselves satisfy Section 1.3 of the Environmental Planning and Assessment Act, 1979 (EP & A Act, 1979).



PART B- PLANNING THRESHHOLDS & FRAMEWORK

2.1 CLAUSE 4.6 OF THE PMHLEP, 2011

In accordance with Clause 4.6 of the PMHLEP, 2011 a written request, that seeks to justify a contravention to a development standard, must demonstrate compliance with the following sub-clauses:

Clause 4.6 Exceptions to development standards

3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

These matters are responded to in **Part C and D** of this Request.

2.2 CASE LAW

Clause 4.6 has been judicially considered on a number of occasions including several key Land and Environment Court (NSW LEC) planning principles and judgements which have refined the way variations to development standards are required to be approached. These cases include:

- *Winten Property Group Ltd v North Sydney Council* [2001] NSWLEC 46
- *Wehbe v Pittwater Council* [2007] NSW LEC 827
- *Initial Action Ltd v Woollahra Council* [2017] NSWLEC 1734
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSW LEC 90
- *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7

The following section addresses the local provisions of Clause 4.6 of the PMHLEP 2011 together with principles of *Winten Property Group Ltd v North Sydney Council* as expanded by the five-part test established by the Foundational *Wehbe Test* (*Wehbe V Pittwater Council*).

For the Court to permit flexibility in the application of a development standard the following must be satisfied: *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) NSWLEC 118

- The written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a); and
- The written request adequately establishes sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)).

In *Initial Action Pty Ltd* Preston CJ confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore, this must be considered when evaluating the merit of the essentially administrative non compliances relevant to both FSR and HOB controls.

In relation to the current proposal the keys are:

- Demonstrating that the development remains unchanged hence consistent with the objectives of both the HOB and FSR development standards and on that basis that compliance is unreasonable or unnecessary;
- The development standards cannot be held relevant to existing development, approved under former controls, that exceed current HOB and FSR development standards. On the basis of this compliance is deemed unnecessary and unreasonable;
- Demonstrating consistency with the R1 General Residential zoning;
- Demonstrating there are sufficient environmental planning grounds to vary the standard; and
- Satisfying the relevant provisions of Clause 4.6.

These matters are responses to in **Part C and D** of this Request.

Part C- PROPOSED VARIATION TO CLAUSE 4.3 HEIGHT OF BUILDINGS (HOB)

The proposed development seeks an exception to *Clause 4.3- Height of Buildings (HOB)* of the PMHLEP, 2011.

3.1 PROPOSED NON - COMPLIANCE

Table 1- HOB Summary (PMHLEP, 2011)				
PMHLEP, 2011 Clause	Maximum	Existing dwelling	Proposed Dwelling	Variation to HOB – existing dwelling
Clause 4.3	8.5m Australian Height Datum (AHD)	9.68m AHD	8.95m AHD	- 0.73m (lower than existing building) + 0.45m or 5.3% – exceeding current HOB controls

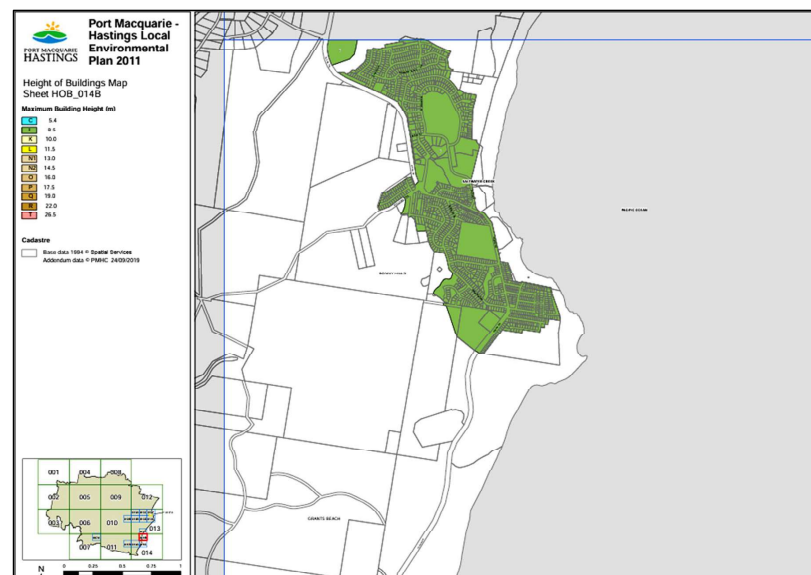


Figure 1- PMHLEP, 2011- Height of Building (HOB) Mapping- 8.5m

We note that Council's LEP includes, in the Dictionary, the following definition of "building height":

building height (or **height of building**) means—

(a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*

(b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The application before Council seeks approval for alterations and additions that will in fact, reduce the previously approved building height by 0.73m; effectively reducing the building height, measured from existing ground levels, from 9.68m to 8.95m, as demonstrated in the following Section prepared by Bacad Design (measured at gridline "D" from the underside of the existing, lower level slab, as per Council's current LEP definitions ascribed to building height).

Based upon the limitations of Council's current LEP definition ascribed to building height, we note that there is zero opportunity to consider what would have been an existing ground level at the time the dwelling was originally approved which, in fact, approved a building height of 7.9m AHD (Bacad Design- Sheet DA.07) (<8.5m HOB). The application of current HOB controls, measured from the underside of the existing concrete slab (existing ground level), therefore represents a somewhat false variation to HOB controls; rather assumed natural and/ or existing ground levels, at the time the dwelling was approved, should be relied upon; as is evidenced by the existing ground levels in side and rear setbacks and surrounding properties.

Irrespective of this, the imposition of an 8.5m HOB development standards now produces a perceived variation to a statutory development standard when, in fact, the application will reduce the overall building height by 0.73m or 730mm. On the basis of this the perceived bulk and scale of the building will be less however is bound to be accompanied by a Variation Request seeking a variation to a 8.5m HOB control for no other reason than building height being measured from existing ground levels (irrespective of those ground levels having been modified).

In terms of justifying a departure to a HOB control we submit that this variation request is purely academic given the overall height of the building is, in fact, reducing by 0.73m. If Council were to consider (say) the reduction to building height from that originally approved i.e./ existing ground levels at the time building height was established, then we would be proposing a building height of 8.05m; falling well below the maximum statutory HOB of 8.5m; hence compliance with the objectives of the control is improved by way of support for this request.

The reduction in height, albeit a perceived 5.3% numerical variation to HOB controls, will ensure the existing building remains compatible with the height, bulk and scale of the existing and desired future character of the locality and should be supported. There is no actual variation to height controls and rather the proposal ensures a reduction in existing and approved building heights.

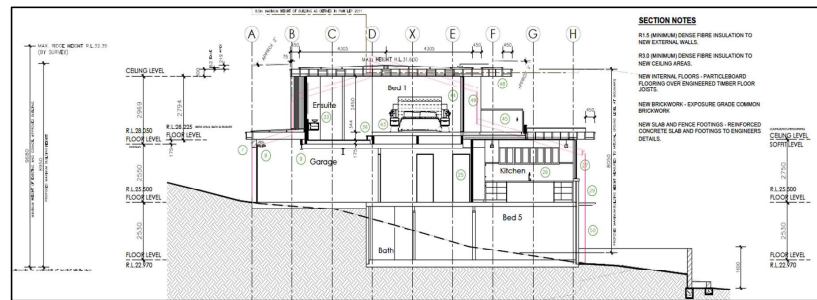


Figure 2- BACAD DESIGN- SECTION

3.2 CLAUSE 4.6 (3)(A)- IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ set out the five ways of establishing that compliance with a development standard is unreasonable or unnecessary in support of justifying a variation:

1. Establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.
2. Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
3. Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.
4. Establish that the development standard has been virtually abandoned or destroyed by the Council 's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. Establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary."

In applying the tests of *Wehbe v Pittwater Council* [2007] NSWLEC 827, only one of the above rationales is required to be established. Notwithstanding, in consideration of the above tests, the proposal is considered both unreasonable and unnecessary in the circumstances of the case for the following reasons:

- The existing building supports an approved building height of 9.68m, as measured per the current definition of "building height"; i.e.. from existing ground levels. The application will reduce that building height to 8.95m; or a reduction of 0.73m. The only reason that a

variation request is required is based upon the strict imposition of prescriptive and current HOB controls whereby building height is measured from existing ground levels.

- The variation request is purely academic as there is no departure to HOB controls when one considers what the existing ground levels were at the time of building was approved;
- There is no increase in building height that would otherwise tend to have the ability to increase offsite impacts. The application will, in fact, reduce the height of the structure;
- Strict compliance with the HOB development standard would render the application not feasible and contrary to the objects of the EP & A Act, 1979;
- The absence of a variation, in the form of increased building height, as it pertains to perceived bulk and scale of the structure, ensures no further environmental impacts to surrounding properties and maintains, for all intents and purposes, the vertical building footprint.
- The reduction in building height to that which was previously approved by Council is minor and, we would suggest, imperceptible from the adjacent street and points of public perception (public domain);
- The proposed building alterations respect and maintain the level of amenity enjoyed by adjoining properties while achieving the objectives of the zone. There are no perceptible impacts and rather the reduction in building height; irrespective of a variation to current HOB controls measured from existing ground levels, is deemed superior.

In consideration of the above, compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case.

3.3 CLAUSE 4.6 (3)(B)- ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a Clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Preston CJ in *Initial Action* stated at [24] that *the environmental planning grounds advanced in [a] written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.*

Pursuant to clause 4.6(3)(b) of the LEP the justification for the proposed variation to the development standard for HOB is considered to be well founded and this Request demonstrates sufficient environmental planning grounds for support as, notwithstanding the proposed (academic) departure from the development standard, the proposed development:

- Does not give rise to any measurable or unreasonable visual impacts from the public domain. The design and appearance of the development is improved with the perceived prominence of the building unchanged.
- Does not produce any environmental or amenity impacts to surrounding or adjoining properties.
- Permits a reduction in approved and existing building height with the variation to building height, under current HOB controls, being entirely academic.
- The existing dwelling remains permissible with consent within the zone.
- The proposed development is entirely consistent with the underlying objective or purpose of the standard as demonstrated in Section 3.1.
- Strict compliance with the development standard would be unreasonable and unnecessary for the reasons outlined in Section 3.2.
- The existing development was approved by Council establishing the existing building height at a point in the past when existing ground levels established a compliant building height of 7.9m AHD (Bacad Design – Sheet DA.07) ; as is evidenced by the remaining topography of lands in the side and rear setback areas of the site along with adjoining and surrounding lands. There is no variation to HOB development standards albeit it is the imposition of how building height is currently measured, from existing ground levels, that produces a perceived variation; hence this request.

For the reasons outlined above, it is considered that there are sufficient environmental planning grounds to justify the proposed variation to the HOB Development Standard under Clause 4.3 and is therefore worthy of support having regard to the matters listed within Clause 4.6 under PMHLEP 2011.

CONCLUSION

Strict compliance with the development standards concerning building height is unreasonable and unnecessary in the context of both the proposed and existing development. The proposed development meets the underlying intent of the controls and is a completely compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties; producing zero impact; predominantly based on a 730mm reduction in effective building height.

The proposal promotes the economic use and development of the land consistent with its zoning and purpose.

This written request addresses all mandatory requirements imposed by cl. 4.6 of PMHLEP 2011, and as such the consent authority must afford flexibility in the application of the development standards.

PART D- PROPOSED VARIATION TO CLAUSE 4.4 FLOOR SPACE RATIO (FSR)

The proposed development seeks an exception to Clause 4.4- Floor Space Ratio (FSR) of the PMHLEP, 2011.

4.1 PROPOSED NON- COMPLIANCE

The existing site area is 371.7m² (by survey).

Table 1- FSR Summary (PMHLEP, 2011)				
PMHLEP, 2011 Clause	Maximum FSR	Council approved FSR	Existing FSR incl. unauthorized works	Proposed FSR – proposed alterations & additions
Clause 4.4	0.65:1	292m ² or 0.79:1 - an approved 22% variation to current FSR controls	316.3m ² or 0.85:1 - an existing 31% variation to current FSR controls	316.2m ² or 0.85:1 - an existing 31% variation to current FSR controls

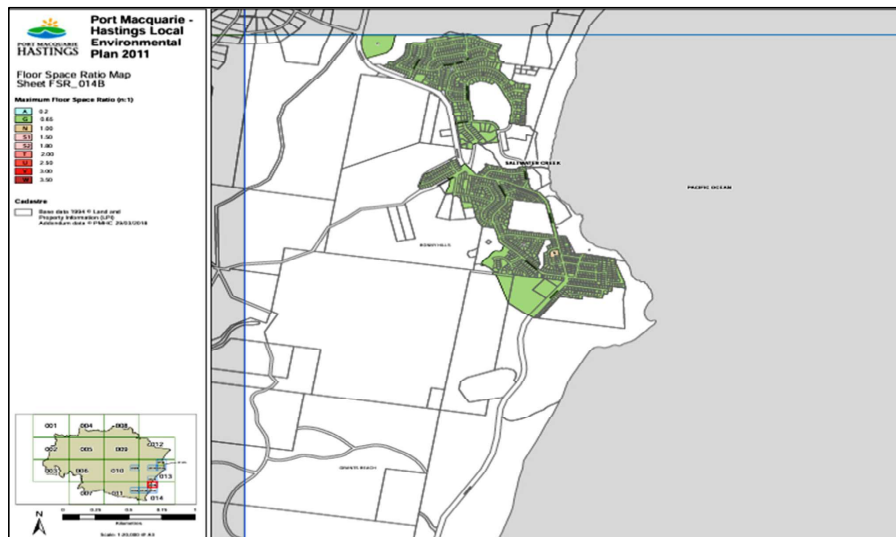


Figure 3- PMHLEP, 2011- Floor Space Ratio (FSR) Mapping- 0.65:1

As per Clause 4.5 of the PMHLEP, 2011 the definition of floor space ratio is:

“The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area”.

As confirmed by Council the existing FSR of the dwelling house was approved under the following Building Applications (BA's):

- a. BA 1979-21- Dwelling House- Gross Floor Area (GFA)- 283m²;
- b. BA 1993- 1540- Alterations & Additions- GFA- 9m².

In addition to approved dwelling on site the existing dwelling also supports GFA resulting from certain unauthorized works including the enclosure of the Level 1 patio and partial Level 2 balcony adjacent to kitchen/ living; resulting in an additional 24.2m² of GFA. This results in an existing GFA of 316.3m² which produces an FSR of 0.85:1. The application before Council results in a GFA of 316.2m² which retains an FSR of 0.85:1.

The following Figure demonstrates how the building designer generated the relevant FSR applying to the proposed development.



Figure 4- FSR Calculations -Bacad Design

For all intents and purposes the 0.1m² reduction in GFA retains the existing bulk and scale albeit improves the façade treatments to be aligned with contemporary standards as illustrated in Figure 5 below.



Figure 5- Bacad Design- Perspectives

4.2 CLAUSE 4.6(3)(A)- IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?

In applying the tests of *Wehbe v Pittwater Council* [2007] NSWLEC 827, as outlined in **Section 3.2** above, compliance with the standard is considered unnecessary in the circumstances of the case.

Strict compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of the case as:

- The underlying objectives of the control are satisfied, known as the first way in the decision of *Wehbe v Pittwater Council* (2007) 156 LGERA 446.

Underlying Objectives are satisfied

The relevant objectives of the FSR development standard are stated as:

- (a) to regulate density of development and generation of vehicular and pedestrian traffic,*
- (b) to encourage increased building height and site amalgamation at key locations,*
- (c) to provide sufficient floor space for high quality development for the foreseeable future,*
- (d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.*

We note that the current FSR controls of 0.65:1, under the PMHLEP, 2011 commenced on the 23/02/2011; well after the approved and existing FSR; being both 0.79 and 0.85 respectively, as detailed previously.

It is reasonable to assume that redevelopment of the subject dwelling, to incorporate certain alterations and additions to contemporize the existing dwelling (under the current DA), would seek to retain an existing, previously approved, albeit non-compliant FSR rather than looking to reduce floor space for no other reason than to be numerically compliant with current FSR controls of 0.65:1.

In essence the non-compliance to current FSR controls presents as a numeric 31% departure however this is incidental as a result of both past, historic approvals (FSR of 0.79:1) coupled with certain historic, unauthorised works (+ 24.3m²); resulting in an FSR of 0.85:1; or a 7.6% departure to an approved FSR of 0.79:1.

Irrespective of this the Variation Request will focus upon addressing the proposal which supports an FSR of 0.85:1; or a 31% departure. We submit that despite the numerical non-compliance identified, that the proposal is consistent with the objectives of cl. 4.4 Floor Space Ratio of the PMHLEP, 2011. Each objective is considered below.

Objectives

- (a) to regulate density of development and generation of vehicular and pedestrian traffic,*

The density of development remains unchanged from the historic approvals which support an FSR of 0.79:1 and/ or, factoring in unauthorized works the application seeks to regularize, an FSR of 0.85:1. Based upon this, the proposed FSR of 0.85:1, in reality, retains the existing density of development which is absent of impact to surrounding and adjoining lands. Character, borne from the bulk and scale of the structure remains unchanged and consistent with the existing pattern of development and dwellings in proximity to the subject site.

The existing development (including approved and unauthorized works), coupled with those minor alterations and additions under the DA, effectively alters available spaces for use as "habitable space". The application in no way increases the density of the existing dwelling rather it produces effective and usable spaces that simply increase the amenity, use and enjoyment of the dwelling; such that the floor area better serve the needs of future occupants and their preference for access to all reasonable and available spaces of the dwelling.

The generation of vehicular and pedestrian traffic remains unaltered.

- (b) To encourage increased building height and site amalgamation at key locations,*
N/A

- (c) To provide sufficient floor space for high quality development for the foreseeable future.*

The application before Council seeks to retain 316.2m² of floor area; it does not propose any additional floor area; rather a 0.1m² reduction. To suggest that a 75m² reduction to floor area in order to comply with Council's current, prescriptive FSR controls tends to be in direct opposition to this objective. The existing FSR has produced nil effect and rather is deemed suitable and sufficient floor space for the foreseeable future; hence should be supported and retained.

(d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

Council has already approved the existing built structure set upon the site and hence established that the development provides for an appropriate correlation between the size of the site and the building; hence bulk and scale. The size of the building remains unchanged as a result of retaining the floor space within an existing space and hence this objective is considered satisfied.

As provided above, and within the provisions of Clause 4.6, a contravention to the FSR Development Standard would allow for an acceptable amount of flexibility to provide a better outcome for the existing development. Accordingly, the development standard is considered unnecessary in the circumstances of the case.

4.3 CLAUSE 4.6(3)(B)- ARE THERE SUFFICIENT PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?


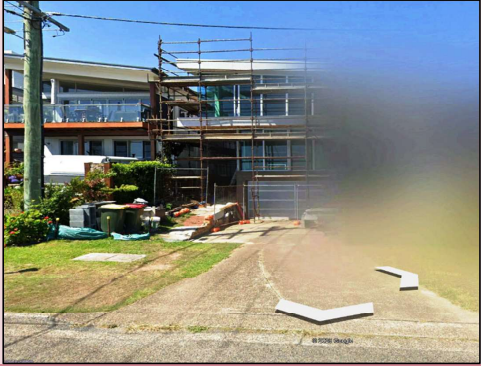

The justification for the proposed variation to the development standard for FSR is considered to be well founded. This Request demonstrates sufficient environmental planning grounds for support notwithstanding the proposed departure from the development standard. The proposed development, pursuant to clause 4.6(3)(b) of the PMHLEP, 2011 demonstrates sufficient environmental planning grounds to justify the variation to the FSR development standard because:

- The variation permits and retains a density of development that is commensurate with other residential development in the Bonny Hills locality. The locality is characterised predominately by dwelling houses of single, double and triple storey construction. Recent development provides larger dwellings with generously sized footprints, and areas which can accommodate the needs of larger families. The proposed variation retains functional and rational uses within available and previously approved space encapsulated within the built environment.
- The existing (historic) development is not considered excessively large with the conversion of use of an existing floor space deemed consistent with contemporary demands. The variation permits one to achieve and retain an appropriate density, bulk and scale of development appropriate for the subject site and to ensure that the density, bulk and scale of development continues to integrate with the streetscape and character of the area in which the development is located.
- The variation permits a density which is appropriate in a zone which accommodates a range of residential accommodation. The exceedance of the FSR standard upholds providing for the housing needs of the community within a general residential environment whilst encouraging best practice in the design of general residential development;
- Floor space ratio is also concerned with controlling building scale, being the size of a building and its relationship with surrounding buildings and landscape. The proposed development retains the existing

built environment's positive relationship with existing and surrounding development, as the development simply retains the existing use of space. On the basis of this, there is no change in the building scale and rather we submit is entirely consistent with the bulk and scale of approved development in the surrounding area. The following Table details the various applications that have secured Council's support to variations of both FSR and HOB controls. It is the existing form of development in the surrounding area that tends to support the proposal including the enclosure of what was previously second floor outdoor private open space. On the basis of this, the existing character of the area is sustained without impact; albeit with a variation to current FSR controls.

Property Address	Existing form of development	Application details	Approval date
No. 929 Ocean Drive, BONNY HILLS 	3 Storey dwelling	BA.6.1991.955.1-Additions	17/12/1991
No. 935 Ocean Drive, BONNY HILLS 	3 Storey dwelling	DA.10.2013.620.1-Alts & Adds to existing dwelling	18/06/2014

<p>No. 941 Ocean Drive, BONNY HILLS</p>  <p><i>Proposed Alteration and Addition</i></p>	2 Storey dwelling	DA.10.2024.197.2- Alts & Adds to existing dwelling (1 st floor roofed deck + extension)	29/05/2025
<p>No. 949 Ocean Drive, BONNY HILLS</p> 	3 storey dwelling	DA.10.1999.172.1- 2 Awnings	10/02/1999
<p>No. 951 Ocean Drive, BONNY HILLS</p> 	3 storey dwelling	DA.10.2014.2.1- Dwelling & swimming pool (Clause 4.6 variation to Cl. 4.3 (height of buildings) & Cl. 4.4 (floor space ratio) of PMHLEP, 2011	28/05/2014

<p>No. 953 Ocean Drive, BONNY HILLS</p> 	3 storey dwelling	DA. 10.2012.35.1- Single dwelling	04/07/2012
<p>No. 955 Ocean Drive, BONNY HILLS</p> 	3 storey dwelling	DA.10.2014.121.2 Alts & Adds (3 storey) incl. (Clause 4.6 variation to Cl. 4.3 (height of buildings) & Cl. 4.4 (floor space ratio) of PMHLEP, 2011	15/10/2014
<p>No. 961 Ocean Drive, BONNY HILLS</p> 	3 storey dwelling	DA.10.2006.173.1- Swimming pool and Alterations & Additions to Dwelling	10/07/2006

No. 977 Ocean Drive, BONNY HILLS	3 storey dwelling	DA.2022.821.1-Alts & Adds (3 storey) incl. (Clause 4.6 variation to Cl. 4.3 (height of buildings) & Cl. 4.4 (floor space ratio) of PMHLEP, 2011	16/03/2023
			

- The proposed development provides an increase in the useability of what is already high-quality housing, in close proximity to facilities and public open spaces including Rainbow Beach.
- The additional floor space of the building is without perceived impact, in terms of increasing overshadowing, permitting overlooking or disrupting views. The resulting development provides and retains generous, useable, internal private recreational space which will facilitate the long-term use, occupation and enjoyment of the contemporary, built environment.

The proposed development and in particular the variation to the FSR Standard would further the following objectives of the Act specified in s.1.3:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

Comment:

The existing development provides high quality housing in the Bonny Hills locality, in close proximity to existing services. The additional floor area, to be retained, allows for a better utilisation of exiting space with nil impact.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

Comment:

The retention of historically approved and converted floor space for a better use that adds to the amenity of the residence is deemed a valid social consideration which should be supported.

(c) to promote the orderly and economic use and development of land,

Comment:

The retention and modernisation of existing quality housing in the Bonny Hills locality represents the orderly and economic use and development of land. The retention of existing floor areas, that contributes to the rational and orderly functioning of a quality residence in Bonny Hills, is commensurate with modern development in the locality and sustains the existing character of the area.

(g) to promote good design and amenity of the built environment,

Comment:

The proposed development retains the amenity of the built environment with the alterations and additions skilfully designed such that it is compatible with existing character of the surrounding area.

For the reasons outlined above, it is considered that there are sufficient environmental planning grounds to justify the proposed variation to the FSR Development Standard under Clause 4.4 and is therefore worthy of support having regard to the matters listed within Clause 4.6 under PMHLEP 2011 and the relevant planning framework.



PART E- SUMMARY & CONCLUSION

5.1 SUMMARY

This variation request provides sufficient justification of the proposed contraventions against the provisions of Clause 4.6 of the PMHLEP 2011,

The request outlines that:

- Compliance with the development standards is deemed unreasonable and unnecessary in the circumstances of the case;
- There are sufficient environmental planning grounds to justify contravening the development standards, as outlined above;
- The development is deemed consistent with the objectives for development within the R1- General Residential zone;
- The objectives of the standard are achieved notwithstanding the non-compliances with those standards.
- The development is in the public interest;

In addition to this we further note that:

- The proposed development is permissible with consent within the zone;
- Strict compliance with the standards would tend to hinder achievement of the objects provided within Section 1.3 of the EP&A Act;
- The proposed development is consistent with the surrounding locality; and
- No unreasonable environmental or amenity impacts are associated with the proposed development.

On balance, the proposed Clause 4.6 Variation Requests to the HOB and FSR development standards are deemed appropriate and are justified having regard to the matters listed within Clause 4.6 of the PMHLEP 2011.

5.2 CONCLUSION

For the reasons outlined within this Request, it is considered that the exceptions to Clause 4.3 HOB and Clause 4.4 FSR of the PMHLEP 2011 are worthy of support and appropriate in the circumstances of the case.

In conclusion, it is requested that Council exercise its discretion and find that this Clause 4.6 Variation Request adequately addresses the relevant heads of consideration under Subclause 4.6(3) of the PMHLEP 2011.

