



# Development Assessment Panel

## Business Paper

**date of meeting:** Wednesday 11 March 2020

**location:** Function Room  
Port Macquarie-Hastings Council  
17 Burrawan Street  
Port Macquarie

**time:** 2:00pm

## **Development Assessment Panel**

### **CHARTER**

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#### **1.0 OBJECTIVES**

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

#### **2.0 KEY FUNCTIONS**

- To review development application reports and conditions;
- To determine development applications 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 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 for subdivisions being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection 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**

- Two independent external members. One of the independent external members to

be the Chairperson.

- Group Manager Development Assessment (alternate - Director Development & Environment or Development Assessment Planner)

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 the media.
- Staff members shall not vote on matters before the Panel if they have been the principle author of the development assessment report.

### **3.4 Member Tenure**

- The independent external members will be appointed for the term of four (4) years maximum in which the end of the tenure of these members would occur in a cascading arrangement.

### **3.5 Appointment of members**

- The independent external members (including the Chair) shall be appointed by the General Manager following an external Expression of Interest process.
- Staff members of the Panel are in accordance with this Charter.

## **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.
- Special Meetings of the Panel may be convened by the Director Development & Environment Services with three (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 of order at meetings.
- Meetings shall be open to the public.
- The Panel will hear from applicants and objectors or their representatives.
- Where considered necessary, the Panel will conduct site inspections which will be open to the public.

### **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**

- All members (2 independent external members and 1 staff member) must be present at a meeting to form a quorum.

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

- Independent Chair (alternate, second independent member)

### **5.5 Secretariat**

- The Director Development & 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 three (3) days prior to each meeting. Minutes shall be appropriately approved and circulated to each member within three (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 record decisions and how each member votes for each item before the Panel.



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

Not applicable.

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

- Members of the Panel must comply with the applicable provisions of 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 interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should 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.

## Development Assessment Panel

### ATTENDANCE REGISTER

Member	13/11/19	27/11/19	11/12/19	22/01/20	12/02/20	26/02/20
Paul Drake	Cancelled	✓	✓	✓	✓	✓
Robert Hussey					✓	✓
David Crofts (alternate member)		✓	✓	✓		
Dan Croft (Group Manager Development Assessment) (alternates) - Development Assessment Planner		✓	✓	✓	✓	✓

**Key:** ✓ = Present

A = Absent With Apology

X = Absent Without Apology

### Meeting Dates for 2020

22/01/2020	Function Room	2:00pm
12/02/2020	Function Room	2:00pm
26/02/2020	Function Room	2:00pm
11/03/2020	Function Room	2:00pm
25/03/2020	Function Room	2:00pm
8/04/2020	Function Room	2:00pm
6/05/2020	Function Room	2:00pm
27/05/2020	Function Room	2:00pm
10/06/2020	Function Room	2:00pm
24/06/2020	Function Room	2:00pm
8/07/2020	Function Room	2:00pm
22/07/2020	Function Room	2:00pm
12/08/2020	Function Room	2:00pm
26/08/2020	Function Room	2:00pm
9/09/2020	Function Room	2:00pm
30/09/2020	Function Room	2:00pm
14/10/2020	Function Room	2:00pm
28/10/2020	Function Room	2:00pm
11/11/2020	Function Room	2:00pm
25/11/2020	Function Room	2:00pm
16/12/2020	Function Room	2:00pm

# Development Assessment Panel Meeting

Wednesday 11 March 2020

## Items of Business

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**Item: 01****Subject: ACKNOWLEDGEMENT OF COUNTRY**

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

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**Item: 02****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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**Item: 03****Subject: CONFIRMATION OF PREVIOUS MINUTES**

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 26 February 2020 be confirmed.

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**PRESENT**

***Members:***

Paul Drake  
Robert Hussey  
Dan Croft

***Other Attendees:***

Grant Burge  
Kerrod Franklin  
Steven Ford  
Ben Roberts

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The meeting opened at 2:05pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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Nil.

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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 12 February 2020 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2019 - 137.1 ALTERATIONS AND ADDITIONS TO DWELLING AT LOT 33 DP 18138, NO. 7 ARNCLIFFE AVENUE, PORT MACQUARIE**

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Speakers:  
Damien Keep (applicant)

**CONSENSUS:**

That DA2019 - 137.1 for alterations and additions to dwelling at Lot 33, DP 18138, No. 7 Arncliffe Avenue, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section B of the consent to read: 'Prior to release of the construction certificate amended plans are to be submitted to provide for a minimum 2m building setback to the rear property boundary.'

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**06 DA2019 - 215.1 - RESIDENTIAL FLAT BUILDING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) UNDER THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 22 DP38266, NO. 5 GRAY STREET**

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Speakers:  
Daniel Reitsma (applicant)

The Panel was unable to reach consensus.

*MOTION: Paul Drake*

That DA2019 - 215.1 for a Residential Flat Building including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environment Plan 2011 at Lot 22, DP 38266, No. 5 Gray Street Port Macquarie, be deferred to enable the applicant to:

1. Reconsider building design and address areas of non-compliance with Council's Development Control Plan.
2. Provide a more comprehensive Clause 4.6 exception to development standard report.

*FOR: Paul Drake and Dan Croft  
AGAINST: Robert Hussey*

*DISSENTING MOTION: Robert Hussey*

That it be recommended to Council that DA2019-215.1 for a Residential Flat Building Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environment Plan 2011 at Lot 22, DP 38266, No. 5 Gray Street Port Macquarie, be determined by refusing consent for the following reasons:

- 
1. This application proposes a number of variations to the development controls including the building height, side and rear setbacks and also has a compromised private open space area. The height exceedance is subject to a Clause 4.6 request to vary the height standard, which has an exceedance in the order of 14%. The subject Clause 4.6 request response does not satisfactorily demonstrate how strict compliance with the development standard is unreasonable and unnecessary in this case.  
The environmental planning grounds advised in the written Clause 4.6 request much justify that the contravention of the development standard is not simply promote the benefits of carrying out the development as a whole. Accordingly, I do not consider the Clause 4.6 is satisfactory and therefore consent should not be granted
  2. The proposal to have 3 garages and a large driveway fronting Gray Street is not considered to demonstrate adequate compatibility with the existing streetscape, noting that other buildings in the street have open landscaping in the front setback area.
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**07 DA2019 - 608.1 - STAGED CHILDCARE CENTRE AND MANAGER'S RESIDENCE AT LOT 46 DP 1230717, SEASIDE DRIVE LAKE CATHIE**

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Speakers:  
Michelle Love (applicant)  
Derek Collins (applicant)

**CONSENSUS:**

That DA 2019-608.1 for a Staged Childcare Centre and Manager's Residence at Lot 46, DP 1230717, Seaside Drive Lake Cathie, be determined by granting consent subject to the recommended conditions.

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**08 DA2019 - 847.1 HOME BUSINESS AT LOT 3 DP 271063, NO.39 WEDGETAIL DRIVE, KEW**

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Speakers:  
Donna Johnson (o)  
Dennis Moore (o)  
Lauren Van der Mast (applicant)

**CONSENSUS:**

That DA 2019 - 847.1 for a Home Business (colonic lavage treatment) at Lot 3, DP 271063, No. 39 Wedgetail Drive, Kew, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition F(6) to read: 'Hours of operation of the development, including deliveries, are restricted to the following hours:
    - 9am to 7pm – Mondays to Fridays
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- 9am - 5pm Saturdays
  - No work is to be carried out on Sundays and Public Holidays.'
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**09    GENERAL BUSINESS**

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Nil.

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The meeting closed at 3:12pm.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

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

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

### Pecuniary Interest

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

### Non-Pecuniary

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 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 general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - 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 general manager, 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 general manager, 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.

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</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.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</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 general manager and included in full in the minutes of the meeting*

Last Updated: 3 June 2019

**Important Information**

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

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

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

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

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

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

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

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

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**Item: 05**

**Subject: DA2019 - 649.1 TORRENS TITLE SUBDIVISION AND CONSTRUCTION OF A DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 144, DP 1230897, NO. 4 SHORE BREAK CRESCENT, LAKE CATHIE**

**Report Author: Development Assessment Planner, Benjamin Roberts**

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**Applicant: Matto Luke Corp Pty Ltd**  
**Owner: W M Owen and S A Lievore**  
**Estimated Cost: \$308,892**  
**Parcel no: 66612**

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#### **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 DA2019 - 649.1 for a torrens title subdivision and construction of a dwelling including clause 4.6 objection to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 144, DP 1230897, No. 4 Shore Break Crescent, Lake Cathie, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for a Torrens title subdivision and construction of a dwelling at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

The application includes a clause 4.6 objection to the minimum lot size provision of 1000m<sup>2</sup> applicable to the site under Port Macquarie-Hastings Local Environmental Plan 2011. The objection deviates from the minimum lot size standard by more than 10% and therefore the application is to be determined by Council.

Following exhibition of the application, no submissions were received.

The site is considered suitable for the proposed development and the clause 4.6 objection is justified. 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 by Council subject to the attached conditions.

## 1. BACKGROUND

### Existing Sites Features and Surrounding Development

The site has an area of 493m<sup>2</sup>. An approved dwelling (DA2019/213) is currently under construction on the corner of the lot.

The site is zoned R3 Medium Density 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 and on the site and locality is shown in the following aerial photograph:





## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Torrens title subdivision including a variation to the minimum lot size standard.
- Construction of dwelling on proposed lot 2.

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

### Application Chronology

- 12 September 2019 - Application lodged.
- 23 September 2019 - Additional information request re permissibility and lot size standard.
- 27 September to 11 October 2019 - Public exhibition via neighbour notification.
- 22 October 2019 - Additional information received including a clause 4.6 objection to the lot size standard.
- 24 October 2019 - Integrated referral sent to NSW Rural Fire Service.
- 14 February 2020 - Bushfire Safety Authority received from NSW Rural Fire Service.

## 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 No. 44 - Koala Habitat Protection**

This policy aims to encourage proper conservation and management of natural vegetation areas that provide habitat for koalas. The Lake Cathie-Bonny Hills (Area 14) Koala Plan of Management applies to the site.

There are no trees located on this site and the proposal is consistent with the adopted Lake Cathie-Bonny Hills (Area 14) Koala Plan of Management.

**State Environmental Planning Policy No. 55 - Remediation of Land**

In accordance with clause 7, 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.

The requirements of this SEPP are therefore satisfied.

**State Environmental Planning Policy No. 62 – Sustainable Aquaculture**

Given the nature of the proposed development, proximity to waterways and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

**State Environmental Planning Policy (Coastal Management) 2018**

The site is located within a coastal use area and within a proximity area to mapped coastal wetlands.

In accordance with clause 7, this policy prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clause 14 of the SEPP 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;

- 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.

In accordance with clause 15, the proposal will not cause increased risk of coastal hazards on that land or other land.

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

### **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 R3 Medium Density Residential.
- Clause 2.3(1) and the R3 zone land use table - The proposed development for a dwelling house is a permissible land use with consent.
  -
- The objectives of the R3 zone are as follows:
  - To provide for the housing needs of the community within a medium density residential environment.
  - To provide a variety of housing types within a medium density residential environment.
  - 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 having regard to the following:
  - The proposal is a permissible land use;
  - The proposal will provide for the housing needs of the community;
  - The proposal will provide for increased housing density on the site and within the medium density residential environment.
  -
- Clause 2.6 - Subdivision of the land is permissible with consent.
  -
- Clause 4.1 - The stage one subdivision proposes to create two lots being 227.5m<sup>2</sup> and 265.2m<sup>2</sup> in area. The minimum lot size standard applicable to the site is 1000m<sup>2</sup>. The proposed lots do not meet the lot size standard. A clause 4.6 objection to the lot size standard supports the application and is addressed under clause 4.6 section of this report.
  -
- Clause 4.3 - The overall height of the proposed dwelling is 7.5m which is below the 11.5m maximum building height control applicable to the site.
  -
- Clause 4.4 - The floor space ratio of the proposal is 0.78:1, which complies with the maximum 1:1 floor space ratio applicable to the site.
  -
- 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.
  -



In this regard, the proposal seeks a variation to the minimum lot size standard as identified under clause 4.1 of this report. Specifically, the proposal will result in lots being 227.5m<sup>2</sup> and 265.5m<sup>2</sup> in area, being a deviation of 77.25% and 73.45m<sup>2</sup> respectively from the 1000m<sup>2</sup> lot size standard.

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

Having regard to specific requirements of clause 4.6(3) and 4.6(4) the following assessment comments are provided:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comments: The applicant has submitted a written request seeking justification for contravention of the lot size standard for the following reasons (as summarised):

- Compliance with the minimum lot size of 1000m<sup>2</sup> is unreasonable and cannot be achieved as the site is currently 493m<sup>2</sup> in area.
- The proposal is consistent with the lot size standard objectives and zone objectives notwithstanding non-compliance with the standard.
- A public benefit will arise being a more efficient use of available and serviced residential land.

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)*

Comments: The applicant has provided a written request that adequately addresses the matters identified in subclause 3.

Having regard to: 3(a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:*

In *Wehbe* 'five methods' have been developed to test whether a compliance with the standard is unreasonable or unnecessary. Having regard to the 'five methods', any of which could support consideration of the variation, the following comments are provided:

- The objectives of the lot size standard are achieved notwithstanding the non-compliance with the numerical 1000m<sup>2</sup> lot size standard.

- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting a consent to the underlying subdivision which created the 493m<sup>2</sup> lot. Hence compliance is unreasonable and unnecessary.

Having regard to: *3(b) that there are sufficient environmental planning grounds to justify contravening the development standard:*

- The proposed development will meet the objectives of minimum lot size standard and zone objectives.
- The proposed variation will not result in a development which is out of character with that envisioned for the immediate locality.
- The proposal will provide for a higher yield and more efficient use of the residential land.

On this basis, it is considered that the applicant's clause 4.6 variation has adequately addressed the matter required to be demonstrated by clause 4.6(3).

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that:*
  - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comments: Consideration of the proposal's consistency with the objectives of the minimum subdivision lot size standard is provided as follows:

(a) *to ensure that lot sizes are compatible with local environmental values and constraints,*

▪ Comments: The proposal will not impact on any local environmental values or constraints. The site itself is not constrained nor does it contain any environmental values.

(b) *to facilitate efficient use of land resources for residential and other human purposes,*

▪ Comments: The proposal will facilitate a more efficient use of medium density residential land and assist in meeting residential yields anticipated for the area.

(c) *to minimise the fragmentation of rural land suitable for sustainable primary production,*

Comments: The site is located on residential land and the proposal will not result in fragmentation of any rural land.

(d) *to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones.*

▪ Comments: The site is located on residential land and the proposal will not impact on any environmental zoned land.

The development is consistent with the minimum subdivision lot size objectives of the LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.

Consideration of the proposal's consistency with the R3 zone objectives is provided as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
  - Comments: The proposal will provide for additional housing needs of the community and in a sense double the current residential yield of the site which will provide for a higher residential density to which the medium density residential zone is trying to achieve.
- *To provide a variety of housing types within a medium density residential environment.*
  - Comments: The proposal will provide for a further housing opportunity in the form of a two-storey dwelling. This is consistent with the current mixture of single and two storey dwellings within the immediate area and R3 zone.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
  - Comments: The proposal will not inhibit other land uses that may provide facilities or services to meet the day to day needs of residents.

The development is consistent with both the minimum subdivision lot size objectives and R3 zone objectives of LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.

*4.6(4) (b) the concurrence of the Secretary has been obtained.*

Comments: As per Planning Circular PS18-003 issued by NSW Planning and Environment, dated 21 February 2018, Council can assume the Director's concurrence for clause 4.6 variations to the minimum lot size. In addition, the variation contravenes the numerical standard by more than 10% and needs to be determined at an Ordinary meeting of Council.

Having regard to the above consideration and comments it is recommended that the lot size variation be supported.

- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.9 - The site is located within land identified on the acoustic controls map. A road traffic noise impact assessment supported the original subdivision application. This assessment identified category 2 building construction on the site in order to reduce road traffic noise to an acceptable level. Consistent with that report and the applicable 88B land title restriction the proposal nominates category 2 building construction. A consent condition has been recommended to reinforce the required construction standards.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

## (iii) Any Development Control Plan in force

## Port Macquarie-Hastings Development Control Plan 2013

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24-degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	No forms of ancillary development proposed.	N/A
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> </ul>	The proposed dwelling incorporates an entry portico that is setback 3.5m from the front boundary.	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Minimum of 4.5m front setback proposed.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage is setback >5.5m and at least 1m behind the building line.	Yes
	6m max. width of garage door/s and 50% max. width of building	Garage door width complies.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	3.6m wide crossover proposed.	Yes
	Garage and driveway provided on each frontage for dual occupancy on corner lot	No dual occupancy proposed however, a garage and driveway will be provided to each frontage.	N/A
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	3.88m rear setback proposed.	No*



**DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development**

	Requirements	Proposed	Complies
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	Minimum of 900mm ground floor setbacks proposed.  First floor setback to the north = 900mm  First floor setback to the south = 3.1m  Adequate building wall lengths and articulation is proposed.	Yes. The reduced first floor north side setback will not result in any adverse overshadowing impact due to the lot orientation.
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. Grade and directly accessible from ground floor living area.	>35m <sup>2</sup> private open space proposed with directly accessible 4x4m area for a living area. Acceptable grade to the open space proposed.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>• If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>• 3x3m min. splay for corner sites</li> <li>• Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>• 0.9x0.9m splays adjoining driveway entrances</li> <li>• Front fences and walls to have complimentary materials to context</li> </ul>	No front fencing is proposed.	N/A
3.2.2.8	No chain wire, solid timber, masonry or solid steel front fences	No fencing proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m</li> </ul>	On the southern elevation first floor windows are to bedrooms and ensuite only. No privacy measures are required. It is noted that the master bed window is a highlight window.	Yes

**DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development**

	Requirements	Proposed	Complies
	fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	On the northern elevation first floor windows are to a child's retreat and bedroom. Both windows on this elevation are highlight windows.  The proposed highlight windows will provide sufficient privacy protection between adjoining dwellings.  No first floor balconies/verandah/deck are proposed.	

The proposal seeks to vary Development Provision 3.2.2.4 relating to the rear boundary setback. The plan requires a 4m setback. The proposal incorporates a 3.88m setback. The plan also provides that 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 and 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.

The relevant objectives are:

- To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide useable yard areas and open space.

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The ground floor outdoor alfresco and living rooms are orientated to the north to achieve better solar access.
- The variation sought is minor. Specifically, a 120mm deviation from the 4m setback standard. This will not be physically visible on ground.
- The proposal will allow for adequate natural light and ventilation between dwellings and private open space areas.
- The proposal will provide useable yard areas and open space.

Based on the above assessment, the variation proposed to the provision of the DCP is considered acceptable and the relevant objectives have been satisfied.

The variation does not amount to an adverse impact or a significance that would justify refusal of the application.

**DCP 2013: General Provisions**

	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	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.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	No cut or fill greater than 1m proposed.	Yes
2.3.3.2	1m max. height retaining walls along road frontage	No retaining along road frontage proposed.	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining walls proposed.	N/A
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No front fencing and retaining wall combination proposed,	N/A
2.3.3.8	Removal of hollow bearing trees	No tree removal proposed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No tree removal proposed.	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access to arterial or distributor road proposed.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings are minimal and the proposed width acceptable.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	Double garage proposed to new dwelling behind the building line.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed.	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.5.3.14	Sealed driveway surfaces unless justified	Driveway to be sealed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grade capable of compliance. Details to be illustrated on section 138 Roads Act plans.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

<b>DCP 2013: Chapter 3.6 - Subdivision</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
3.6.3.1	<p>A site analysis is required for all development and shall illustrate:</p> <ul style="list-style-type: none"> <li>• microclimate;</li> <li>• lot dimensions;</li> <li>• north point;</li> <li>• existing contours and levels to AHD;</li> <li>• flood affected areas;</li> <li>• overland flow patterns, drainage and services;</li> <li>• any contaminated soils or filled areas, or areas of unstable land;</li> <li>• easements and/or connections for drainage and utility services;</li> <li>• identification of any existing trees and other significant vegetation;</li> <li>• any existing buildings and other structures, including their setback distances;</li> <li>• heritage and archaeological features;</li> <li>• fences;</li> <li>• existing and proposed road network, including connectivity and access for all adjoining land parcels;</li> </ul>	Site plan and details provided adequate.	Yes

	<ul style="list-style-type: none"> <li>pedestrian and vehicle access;</li> <li>views to and from the site;</li> <li>overshadowing by neighbouring structures; and</li> <li>any other notable features or characteristics of the site.</li> </ul>		
3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	Proposed lot 2 is 15.17m wide. Proposed lot 1 is on the corner and if not for the splay would be 17.5m wide.	Yes
	Minimum width of 7m when boundaries are extended to kerb line.	Proposed lot 2 is 15.17m wide. Proposed lot 1 is on the corner and if not for the splay would be 17.5m wide.	Yes
	Minimum depth of 25m.	Proposed lot 2 is 17.5m deep. Proposed lot 1 is 14.8m deep.	No
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	Block is relatively flat. Access and driveway grades to proposed lot 2 capable.	Yes
	Subdivision of dual occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m <sup>2</sup> if: <ul style="list-style-type: none"> <li>Each lot to be created is part of a community or strata title scheme, or</li> <li>Is part of an integrated Torrens title housing development.</li> </ul>	Not proposed.	N/A
3.6.3.3	Battleaxe lots discouraged in greenfield development.	Not proposed.	N/A
3.6.3.4	Lots are to be designed to allow the construction of a dwelling, which does not involve more than 1m cut, or fill, measured from natural ground level, outside the dwellings external walls.	Minimal cut and fill proposed. Less than 1m.	Yes

	Lot sizes increased for sloping sites in accordance with Table 3.6.1.	Site is not sloping.	N/A
	Additional information provided for slope categories in accordance with Table 3.6.2.	Site is not sloping.	N/A
3.6.3.5	Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing lots. Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60-80m by 120-150m as illustrated in Figure 3.6-2.	Street layout is already established.	N/A
	Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.	Sufficient solar access achievable for dwelling on proposed lot.	Yes
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in this clause)	Existing.	N/A
3.6.3.7	Subdivisions close to urban centres or along arterial roads serviced by public transport achieve yield of >35 dwellings per hectare.	The subdivision will achieve a higher residential yield within the estate.	Yes
3.6.3.8	All new roads are to be dedicated to Council designed in accordance the Council's adopted AUSPEC design specification documents.  All applications to subdivide land should include a road layout plan that meets the Council's design requirements including providing connectivity and access for all land parcels consistent with Council's	Roads already dedicated.	N/A



	road hierarchy.		
3.6.3.16	An application for subdivision should be accompanied by an Integrated Water Cycle Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted design specification documents.	Preliminary stormwater management plan provided.	Yes
3.6.3.17 - 3.6.3.19	An application for subdivision should be accompanied by a Stormwater Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted Aus-Spec design specification documents.  The finished floor level of buildings should be above the 100 year ARI flood level (plus freeboard) and in accordance with the council's current flood policy.	Preliminary stormwater management plan provided.	Yes
3.6.3.20	Water supply to meet Council's design specifications.	Water supply can be provided in accordance with design specifications.	Yes
3.6.3.21 - 3.6.3.22	All lots connected to reclaimed water if available.	Reclaimed water supply is available and will be provided to each lot.	Yes
3.6.3.24	Separate sewer junction provided for each lot.	Separate sewer can be provided to each lot.	Yes
3.6.3.25	Extension of sewer infrastructure at cost of developer.	Noted.	Yes
3.6.3.26 - 3.6.3.27	Erosion and sediment control plan to be provided.	Standard condition applied.	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	Services are existing and underground and capable of extension to each lot.	Yes
	All service infrastructure should be installed in a common trench.	Services are existing and underground and capable of extension to each lot in a common trench.	Yes
	Conduits for the main technology network system should be provided in all streets.	Services are existing and underground and capable of extension to each lot.	Yes
	Conduits are to be installed	Services are existing and	Yes



	in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'.	underground and capable of extension to each lot.	
	Access pits are to be installed at appropriate intervals along all streets.	Services are existing and underground and capable of extension to each lot.	Yes

**(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 apply.

**(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 north-westerly frontage and orientation to Shore Break Crescent. Adjoining the site is residential land comprising a mix of single and two storey dwelling houses.

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

**Access, Traffic and Transport**

The site has road frontage to Shore Break Crescent. Shore break Crescent is a sealed public local road under the care and control of Council. The proposal will not have any adverse impacts within the immediate locality in terms access, transport and traffic. The existing road network will satisfactorily cater for any potential increase in traffic generation as a result of the development.

**Water Supply Connection**

The site has an existing sealed water service which will serve the dwelling under construction on proposed lot 1. The site is fronted by a 100mm diameter PVC water main on Shore Break Crescent. A new separate water service is required to serve proposed lot 2.

Detailed plans will be required to be submitted for assessment with the S.68 application.

**Sewer Connection**

The site has a junction from the existing manhole inside the northern boundary of the development site serving the dwelling under construction on proposed lot 1. The proposed Torrens title subdivision will require provision of a further sewer service to proposed lot 2.

Detailed plans will be required to be submitted for assessment with the S.68 application.

**Stormwater**

The site is relatively flat but does grade away slightly toward the northern boundary. An existing stormwater connection to Shore Break Crescent exists in the north-eastern corner of the lot serving the dwelling under construction on proposed lot 1.

A new stormwater connection will be required to service proposed lot 2. A preliminary stormwater plan supported the application. The plan proposes a new connection for proposed lot 2 into the existing piped network in Shore Break Crescent adjacent the southern boundary. This is acceptable in principle.

Detailed plans will be required to be submitted for assessment with the S.68 application.

**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. No adverse impacts anticipated.

**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 being recommended 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**

The site is void of vegetation. As no removal/clearing of native vegetation is proposed the biodiversity offsets scheme is not triggered. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

**Waste**

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition recommended.

**Energy**

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

**Noise and vibration**

No adverse impacts. Condition recommended restricting building construction to standard construction hours. Refer to previous comments earlier within this report under clause 7.9 of LEP 2011 regarding road traffic noise impacts and building construction standards proposed.

**Bushfire**

The site is identified as being bushfire prone. The applicant has submitted a bushfire assessment report. The assessment of bushfire risk having regard to section 4.3.5 of Planning for Bushfire Protection 2006 including vegetation classification and slope concludes that a Bushfire Attack Level 12.5 for the dwelling shall be required.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. The application and bushfire assessment was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which is recommended to be incorporated into the consent conditions.

**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 increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

**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.

**(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 will be in the wider public interest as it provides for additional housing.

**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 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
  -
- A copy of the contributions estimate is included as Attachment 4.
  -

**5. CONCLUSION AND STATEMENT OF REASON**

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

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

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

**Attachments**

- 1 [1](#). DA2019 - 649.1 Recommended Conditions
- 2 [2](#). DA2019 - 649.1 Plans
- 3 [3](#). DA2019 - 649.1 Plans for Approved Dwelling

## AGENDA

## DEVELOPMENT ASSESSMENT PANEL 11/03/2020

- 4↓. DA2019 - 649.1 Contributions Quote
- 5↓. DA2019 - 649.1 Clause 4.6 Objection
- 6↓. DA2019 - 649.1 Statement of Environmental Effects
- 7↓. DA2019 - 649.1 NSW RFS Bushfire Safety Authority

## FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS - 2011

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2019/649**

**DATE: 3/03/2020**

### **PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

### **A – GENERAL MATTERS**

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

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	4 Shore break Crescent	Lani Slade	11 September 2019
Development Plans as stamped	Job No: PM112 Sheet 1 to 8 and 11	Adenbrook Homes	20 May 2019
Draft Subdivision Plan	9328	Mark Cornish	Undated
Clause 4.6 Objection	6712	Love Project Management	22 October 2019

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a. the appointment of a Principal Certifying Authority; and
  - b. the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A004) An application for a Subdivision Works Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A007) The development must only proceed in accordance with the approved stages as set out below:
- Stage 1: Torrens title subdivision to create two lots.
  - Stage 2: Construction of dwelling on lot 2.

- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (6) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  4. Building waste is to be managed via an appropriate receptacle;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
  6. Building work being limited to the following hours, unless otherwise permitted by Council;
    - Monday to Saturday from 7.00am to 6.00pm
    - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference DA20191113000974-Original-1 and dated 14 February 2020, are attached and form part of this consent.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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



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

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

#### **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE**

- (1) (B001) 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:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

  - Civil works
  - Traffic management
  - Work zone areas
  - Hoardings
  - Footway and gutter crossing
  - Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  - 1. Sewerage reticulation. Provision to each lot of a separate sewer line to Council's main. Any abandoned sewer junctions are to be capped off at Council's sewer main and Council notified to carry out an inspection prior to backfilling of this work.
  - 2. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies. Each lot shall be provided with a separate water supply service.
  - 3. Stormwater systems.
- (4) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This

application is also to include an application for the disconnection of any existing service not required.

- (5) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (6) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (7) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (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 Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.  
  
Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
- (8) The building design plans shall illustrate the construction measures consistent with category 2 requirements as identified in Appendix C of the document titled *Development Near Rail Corridors and Busy Roads - Interim Guideline*, December 2008. Published by NSW Government - Department of Planning.
- (9) Prior to the issue of Construction Certificate evidence shall be provided to the satisfaction of the certifying authority confirming registration of the lots from the subdivision.

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

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (2) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

#### D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
  - a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - b. prior to the pouring of concrete for sewerage works and/or works on public property;
  - c. during construction of sewer infrastructure;

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) 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 recommence until a NOA management plan has been approved by Council or Workcover.

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

- (1) (B010) Payment to Council, prior to the issue of the Subdivision Certificate of the Section 7.11 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:
  - Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Hastings S94 Major Roads Contributions Plan
  - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005
  - Port Macquarie-Hastings Section 94 Local Roads Contributions Plan Areas 13, 14 and 15

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

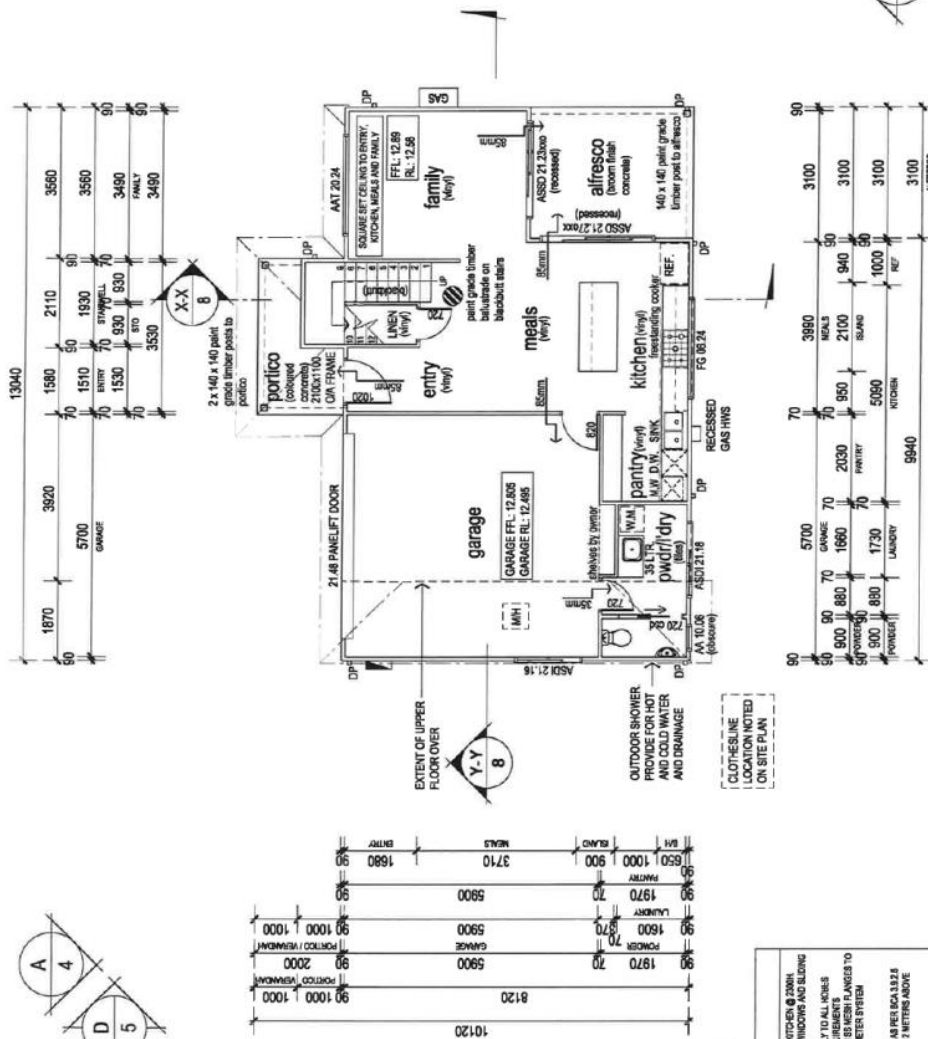
The attached “Notice of Payment” is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current “Notice of Payment” form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (2) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Subdivision Certificate, of the Section 64 contributions, as 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 in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
  - augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (3) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of the Subdivision Certificate or release of the security bond, whichever is to occur first.

- (4) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (5) (E068) Prior to the issue of a subdivision certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (6) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (7) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (8) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (9) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (e.g. the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (10) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.

#### F - OCCUPATION OF THE SITE

- (1) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.





## DWELLING 2

**CONSTRUCTION NOTES:**

- ALL BUILDINGS TO INCLUDE 6" 20W EXCEPT KITCHEN, 200W
- 1" SLIP RESISTANT TO PROVIDE SAFETY OF ALL WINDOWS AND SLIDING DOORS
- DOOR 6" 12W AND HANDING SIDE ONLY TO ALL JOINTS
- REFER TO BAKK NOTES FOR THERMAL REQUIREMENTS
- SLIP RESISTANT THERMAL PROTECTION IS 1/2" FLANGES TO BUILDING EXTERIOR AND SMART FILM PERIMETER SYSTEM
- ALL CONTAINMENT TO METAL ROOF
- SECONDARY WINDOW OPENINGS RESTRICTED AS PER 13.2.5
- WHERE THE FLOOR LEVEL IS GREATER THAN 1 METTER ABOVE FINISHED GROUND LEVEL
- START CONSTRUCTION TO EC4.13.1 INCLUDING SLIP RESISTANCE
- ALL STRUCTURES CONSTRUCTED TO EC4.13.2

**FOR ACCLIMATE REQUIREMENT - REFER BAKK PAGE**

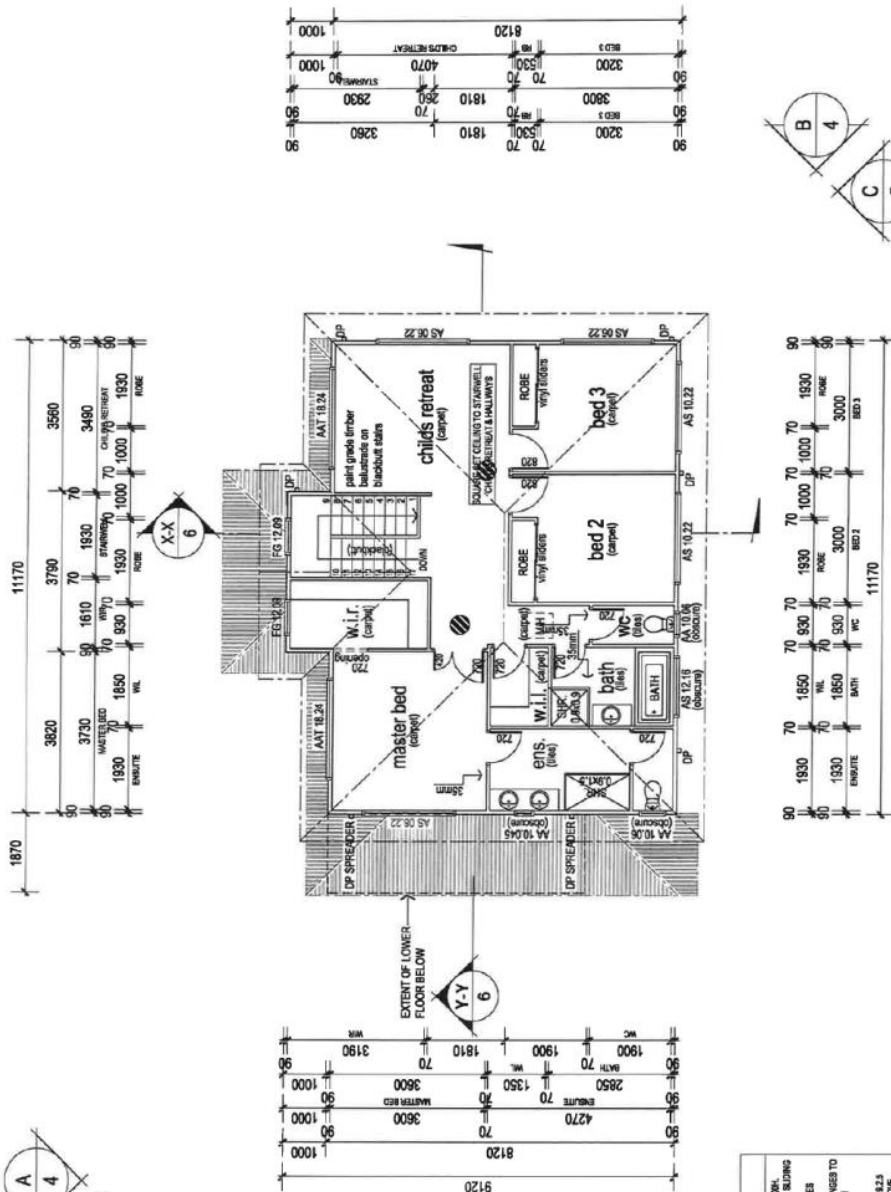
## PERMIT

Date: 4/11/19

A	LOWER LIVING	61.5m <sup>2</sup>
B	CORR'L LIVING	52.9m <sup>2</sup>
C	KITCHEN	17.0m <sup>2</sup>
D	ALFRESCO	11.6m <sup>2</sup>
E	PORCH	8.3m <sup>2</sup>
F	PORTRCO	9.3m <sup>2</sup>
G	TOTAL	208.0m <sup>2</sup>
H	SQUARES	22.9 sq.



760 (a.h.)  
 DENOTES DOOR HAS LIFT OFF  
 HINGES TO COMPLY WITH B.C.A. REQ.  
 ARTICULATION JOINT AS SPECIFIED  
 IN B.C.A. REQ.  
 HARDWARE SHOWN WITH  
 BATTERY BACKUP AS PER B.C.A. REQ.  
 DOWNPIPE CONNECTED TO LPOD VIA  
 80mm Ø UPVC PIPE AS PER LOCAL  
 AUTHORITIES REQUIREMENTS  
 MAIN HOLE TO CEILING ACCESS  
 VENT PIPE LOCATIONS DETERMINED ON  
 SITE. LOCATE IN CORNER OF ROBES

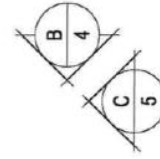
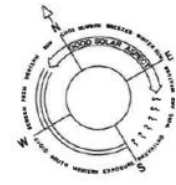


## DWELLING 2

## CONSTRUCTION NOTES:

- ALL BALCONIES & ROOFS @ 22.5% GRADE KITCHEN @ 200mm
- FLY SCREENS TO OPENING BASES OF ALL WINDOWS AND SLIDING DOORS
- ALL ROOFS & WALLS AND LANDINGS SHALL ONLY TO ALL ROOFS
- REFER TO B.C.A. NOTES FOR THERMAL REQUIREMENTS
- BUILDERS STANDARD THERMAL PROTECTION IS NESH FLANGES TO SLAB PENETRATIONS AND SMART FILM PERIMETER SYSTEM
- ANTICOR BLANKET TO METAL ROOF
- BEDROOM WINDOW OPENINGS RESTRICTED AS PER B.C.A. 3.3.2.3
- ROOFS WITH PITCH LEVEL IS GREATER THAN 2 METERS ABOVE FINISHED GROUND LEVEL
- STRAKE CONSTRUCTION TO B.C.A. 3.8.1 INCLUDING S.P. RESISTANCE
- SALADROUS CONSTRUCTED TO B.C.A. 3.3.2

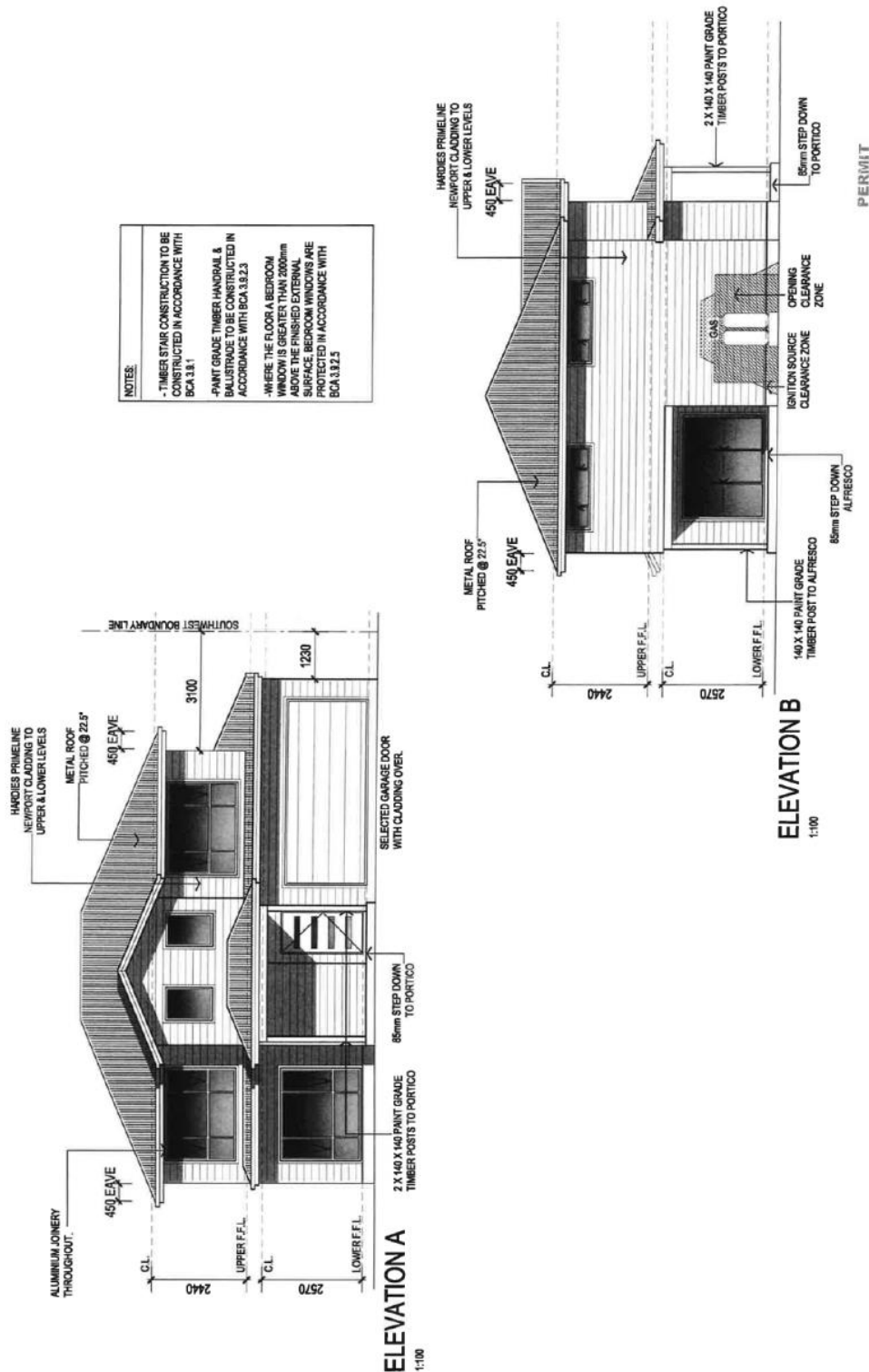
FOR ACQUISITION REQUIREMENT - REFER BASIS PAGE



PERMIT

Date: 11/11/19

DATE	REVISION	INITIAL	NAME	ROLE	DATE	REVISION	INITIAL	NAME	ROLE
01/08/18	TENDER ISSUE	K.B.	MR WADE OWEN & MS SARAH LEVORE	client	11/11/19	PERMIT	K.B.	MR WADE OWEN & MS SARAH LEVORE	client
14/03/19	TENDER 2 - PERMIT ISSUE	R.A.	LOT 14, UNIT 2 SHORE BREAK CRESCENT	client					
20/05/19	PERMIT EDITS	R.A.	200 LOGAN RD, WOOLLOOMBA QLD 4102	client					
			2150 MC	client					
			WWW.ADENBROOKHOMES.COM.AU	client					
			PH: (07) 6288 8062	client					
			This work is a preliminary sketch and is not intended to be used for construction without the written approval of the Architectural Firm.						
			DRAWN BY: [Name]						
			CHECKED BY: [Name]						
			DATE: 11/11/19						
			JOB NO: PM112						
			MASTER ISSUE A - 11/03/2020						



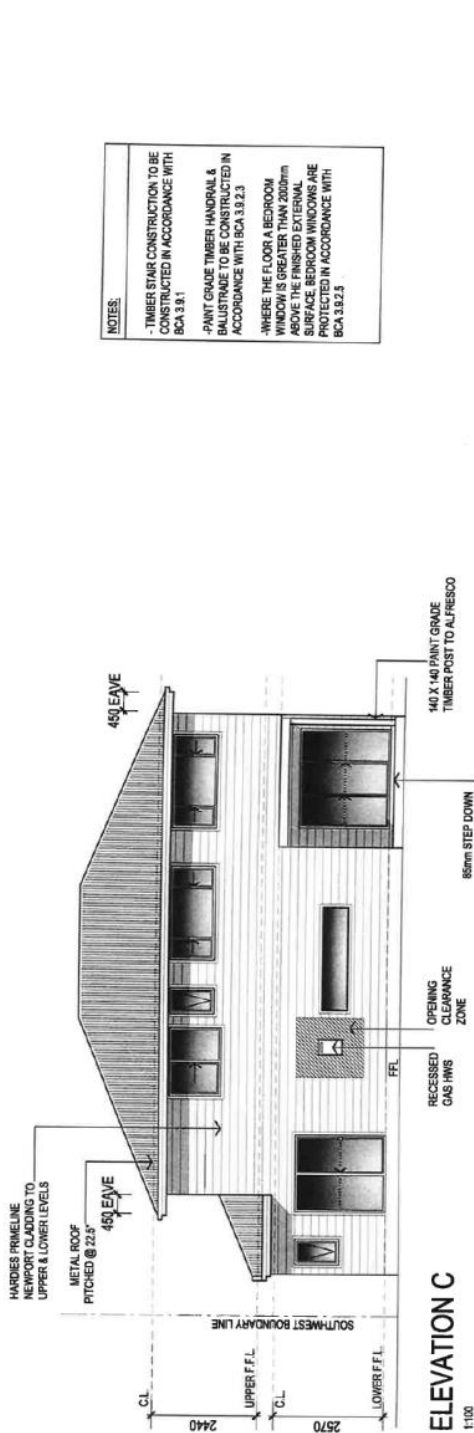
**NOTES:**

- TIMBER STAIR CONSTRUCTION TO BE CONSTRUCTED IN ACCORDANCE WITH BCA 3.3.1
- 4-PART GRADE TIMBER HANDRAIL & BALUSTRADE TO BE CONSTRUCTED IN ACCORDANCE WITH BCA 3.3.2.3
- WHERE THE FLOOR A BEDROOM WINDOW IS GREATER THAN 2000mm ABOVE THE FINISHED EXTERNAL SURFACE, BEDROOM WINDOWS ARE PROTECTED IN ACCORDANCE WITH BCA 3.3.2.5

PERMIT

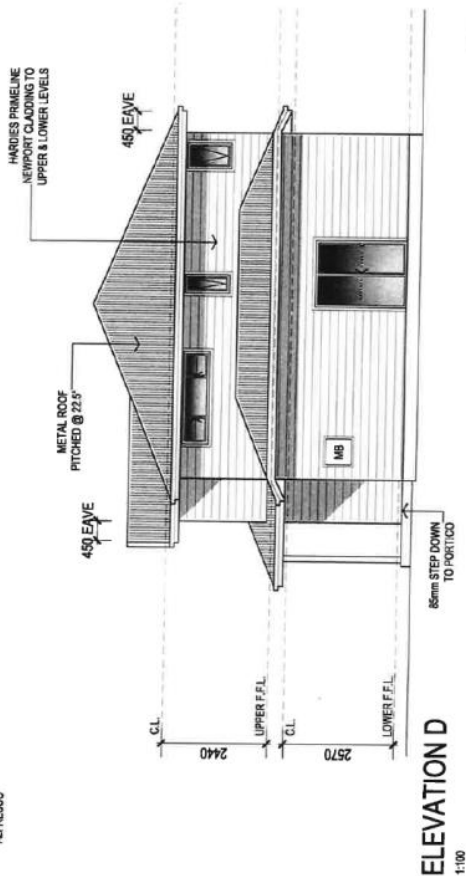
Date: 4/11/19

PROVIDE FOR IMPROVEMENTS IN RESPONSE TO THE FOLLOWING COMMENTS FROM THE DEVELOPMENT ASSESSMENT PANEL. THE BUILDING HEIGHT IS UNDER 100m FROM F.F.L. TO HAVE RESTRICTED OPENING OF 50mm OR APPROVED IMPROVED IMPROVEMENTS	DATE	REVISION	INITIAL	adenbrookhomes	POB	custom	elevations 1
PROVIDE DOOR TO BALCONY TO PROVIDE IMPROVED OPENING OF 50mm OR APPROVED IMPROVED IMPROVEMENTS	01/05/19	TENDER ISSUE	K.B.	200 LINDEN RD, WOLLONGAHRA NSW 2506	PLAN OPTION	custom	SCALE 1:100
PROVIDE DOOR TO BALCONY TO PROVIDE IMPROVED OPENING OF 50mm OR APPROVED IMPROVED IMPROVEMENTS	18/03/19	TENDER 2 - PERMIT ISSUE	R.A.	LANE CATHE. NSW 2445	HOUSE	cstm	JOB NO. PM12
PROVIDE DOOR TO BALCONY TO PROVIDE IMPROVED OPENING OF 50mm OR APPROVED IMPROVED IMPROVEMENTS	20/05/19	PERMIT EDITS	R.A.	WWW.ADENBROOKHOMES.COM.AU	HOUSE	custom	MASTER ISSUE A - 10/12/13
PROVIDE DOOR TO BALCONY TO PROVIDE IMPROVED OPENING OF 50mm OR APPROVED IMPROVED IMPROVEMENTS							4/11



NOTES:

- TIMBER STAIR CONSTRUCTION TO BE CONSTRUCTED IN ACCORDANCE WITH BCA 3.9.1
- PAINT GRADE TIMBER HANDRAIL & BALUSTRADE TO BE CONSTRUCTED IN ACCORDANCE WITH BCA 3.9.2.3
- WHERE THE FLOOR A BEDROOM SPACES ARE LESS THAN 2000mm ABOVE THE FINISHED GROUND LEVEL, SURFACE BEDROOM WINDOWS ARE PROTECTED IN ACCORDANCE WITH BCA 3.9.2.5



PERMIT  
Date: 20/5/19

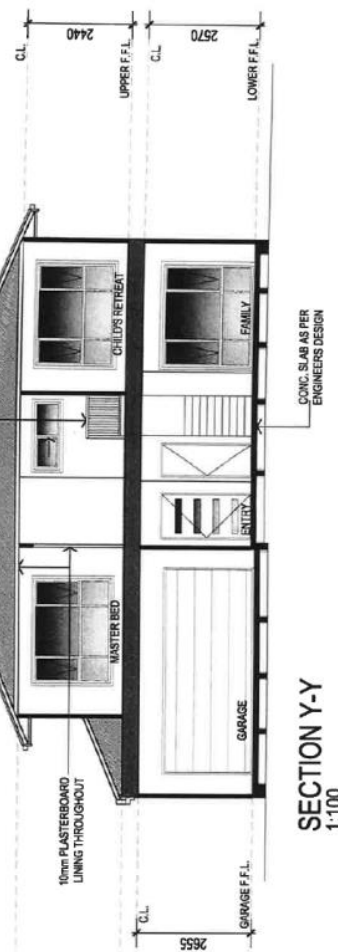
INITIAL	DATE	REVISION	PROVIDER FOR WINDOWS IN BEDROOMS WHERE THE FLOOR IS OVER 2.0m ABOVE GROUND LEVEL, WHERE THE BALUSTRADE IS LOWER THAN 1000mm FROM F.F.L. TO HAVE RESTRICTED OPENING OF 125mm OR APPROVED SAFETY SCREENING
K.B.	07/06/18	TENDER 1	PROVIDE IN A MANNER THAT DOES NOT OBSTRUCT THE VIEW OR OPENING
R.A.	18/03/19	TENDER 2 - PERMIT ISSUE	PROVIDE IN A MANNER THAT DOES NOT OBSTRUCT THE VIEW OR OPENING
R.A.	20/02/19	PERMIT EDITS	PROVIDE IN A MANNER THAT DOES NOT OBSTRUCT THE VIEW OR OPENING

adenbrookhomes  
201 LOAN RD WOOLLOOMBA QLD 4102  
LICENCE NO. 2153MC  
WWW.ADENBROOKHOMES.COM.AU  
PH: 07 558 9866  
R.A. is a registered architect under the Architects Act 2003 and is not a registered architect or architect under the Architects Act 2003 in any other jurisdiction.  
permissions of AD (architect) Pty Ltd.

MR WADE OWEN & MS SARAH LIEVORE  
LOT 144, UNIT 2 SHORE BREAK CRESCENT  
LAKE CATHE, NSW 2445  
SIGNATURE: *Wade* CLIENT

HOUSE: custom  
PLAN OPTION: custom  
HOUSE: custom

TITLE: elevations 2  
SCALE: 1:100  
JOB NO: PM12  
MASTER ISSUE A - 19/12/13  
5/11



SECTION Y-Y  
1:100

## PERMIT

**GARAGE DOOR PIER DETAIL**  
1/20

Date: 20/5/14

DATE	REVISION	INITIAL	FOUR	TITLE
01/06/16	TENDER ISSUE	K.B.		
14/03/19	TENDER 2 - PERMIT ISSUE	P.A.		
20/05/19	PERMIT EDITS	P.A.		

**adenbrookhomes**

280 LOGAN RD, WOLLONGAH, QLD 4192  
 LICENCE NO: 2100086  
 WWW.ADENBROOKHOMES.COM.AU  
 PH: (08) 2059 5500

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MR WADE OWEN & MS SARAH LIEVORE  
 LOT 14, UNIT 2 SHORE BREAK CRESCENT  
 LAKE CATHE, NSW 2445

AGENT:  RESIDENT: 

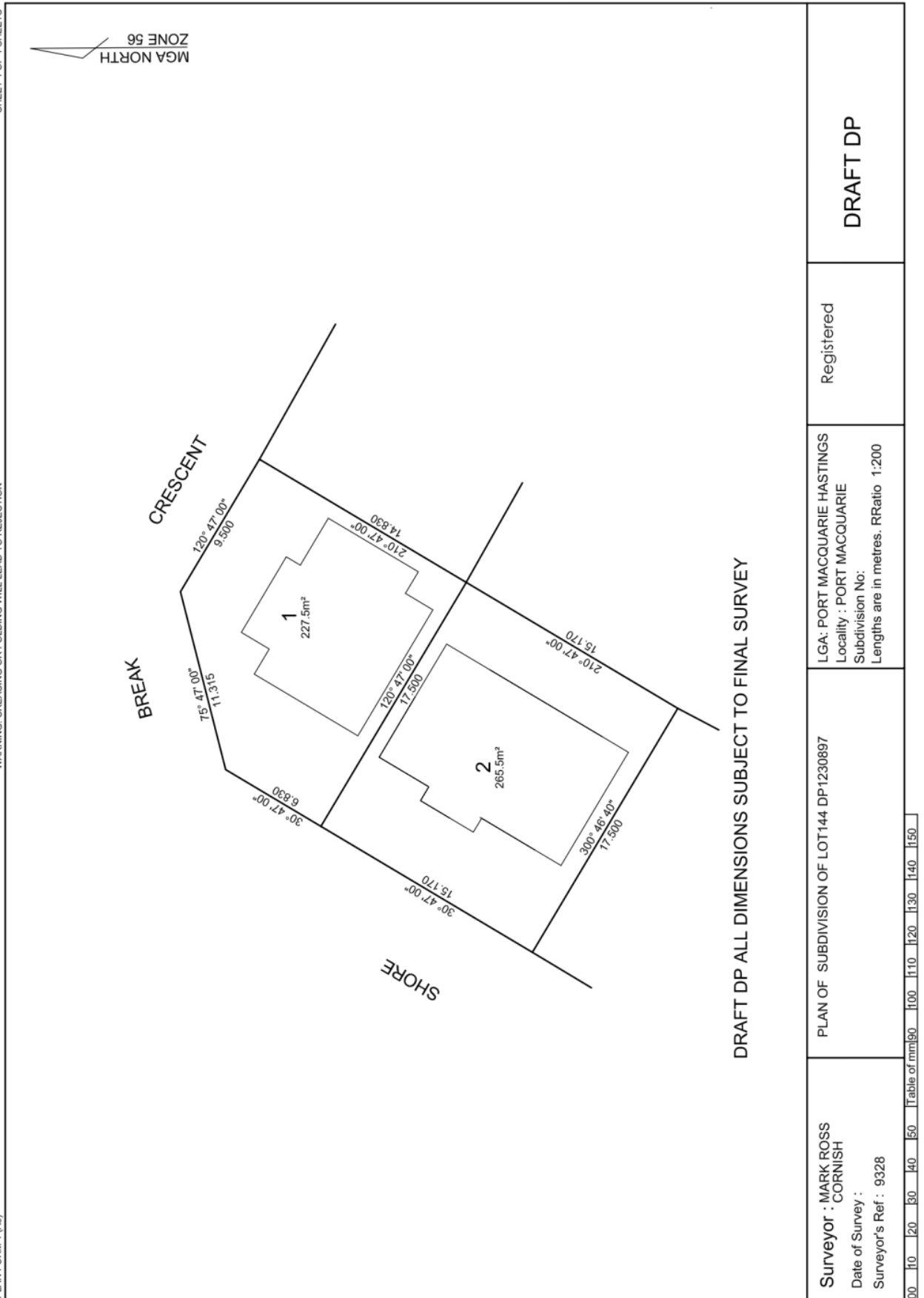
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FOUR: **cstm** SCALE: 1:100

FOUR: **custom** JOB NO: PM12

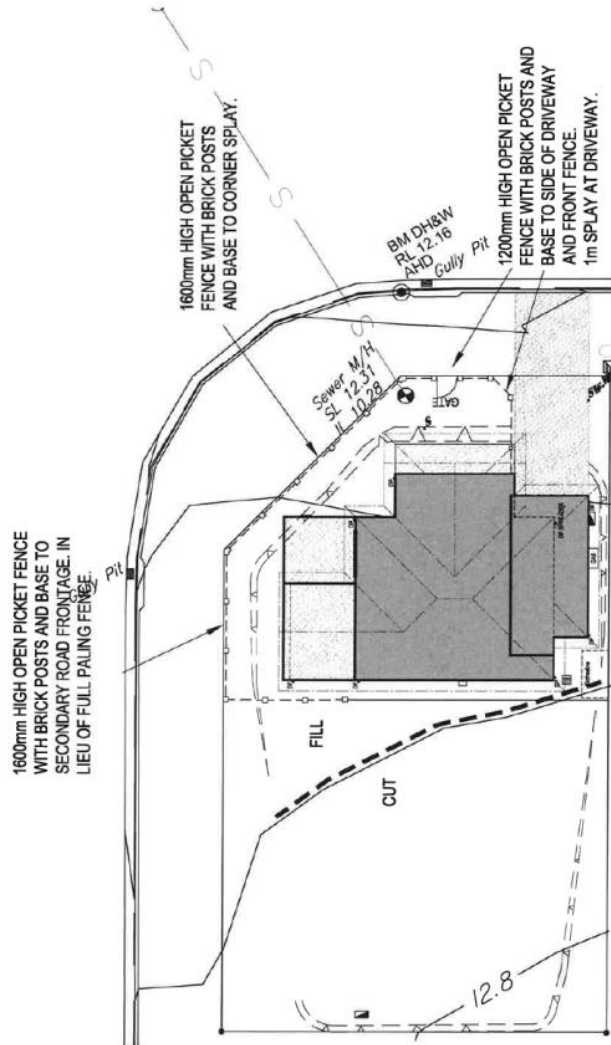
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**8/11**



LEGEND	
	METER BOX
	GULLY GRATE
	CUT/FILL LINE
	ROCK RETAINING WALL
	TREES TO BE REMOVED
	PROPOSED FUTURE POOL PROV.
	BROOM FINISHED CONCRETE
	EXPOSED AGGREGATE CONCRETE
	TILES
	COLOURED CONCRETE WITH BROOM FINISH
	DENOTES AREA BY OWNER
	POWER
	TELSTRA CONDUIT
	WATER
	SEWER MANHOLE
	HYDRANT
	STOP VALVE

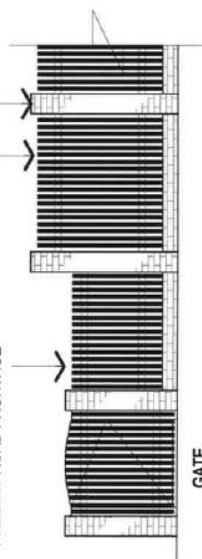
These are the plans referred to in  
Modified Development Application No:  
DA2019. 213..2  
and APPROVED as Modified on: 11/08/2019  
PORT MACQUARIE-HASTINGS COUNCIL



1600 HIGH TIMBER PICKET FENCE  
MINIMUM 25% TRANSPARENT  
TO BOUNDARY CORNER SPY  
AND SECONDARY ROAD FRONTAGE

1200 HIGH TIMBER PICKET FENCE  
MINIMUM 25% TRANSPARENT  
TO SIDE OF DRIVEWAY AND  
PRIMARY ROAD FRONTAGE

BRICK PIER



GATE

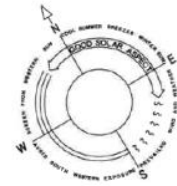
## TYPICAL FENCE ELEVATION

COASTAL SURVEY SOLUTIONS CONSULTING SURVEYORS AND PLANNERS	
7 WILLOW PLACE PORT MACQUARIE NSW 2444 PO BOX 2223 PMQ	Ph. 65 837574 Mobile 0468 464 644 mark@coastalsurveysolutions.com.au
DETAIL AND CONTOUR SURVEY	
LOT 144 DP 1230897 LAKE CATHIE	

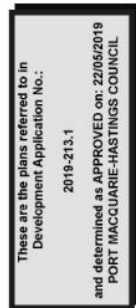
DATE	REVISION
16/01/19	TENDER ISSUE
17/01/19	TENDER ISSUE
18/02/19	PERMIT ISSUE
20/02/19	PERMIT ISSUE - EDITS
31/05/19	CONSTRUCTION ISSUE

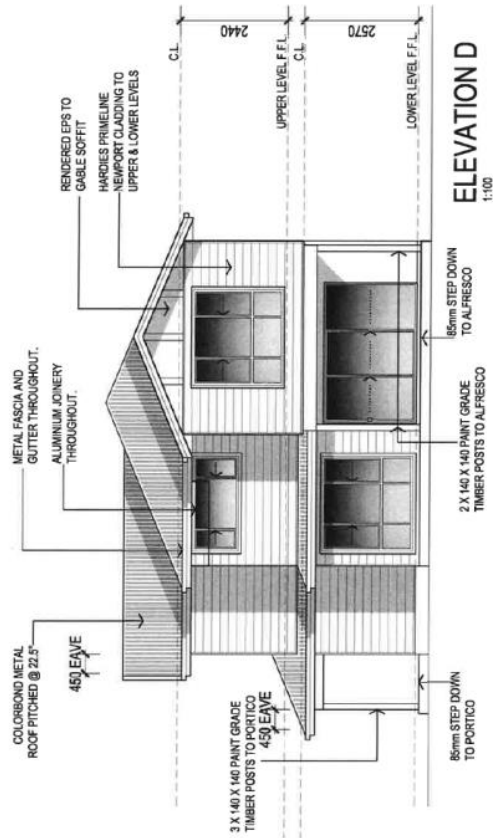
ALL PLANS AND DRAWINGS ARE TO BE USED IN ACCORDANCE WITH THE RELEVANT STANDARDS AND SPECIFICATIONS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE SURVEYOR'S RESPONSIBILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE CLARITY OF THE DRAWINGS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE SURVEYOR'S RESPONSIBILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE CLARITY OF THE DRAWINGS.

INITIAL	adenbrookhomes	MR WADE OWEN & MS SARAH LEVORE	custom	site plan
R.A.	200 LOCAN RD, WOOD LONGHURST QLD 4111	LOT 144 SHORE BREAK CRESCENT	HOUSE	SCALE: 1:200
R.A.	PH. 071 303 9300	LAKE CATHIE, NSW 2445	HOUSE	JOB NO: PM104
R.A.	WWW.ADENBROOKHOMES.COM.AU		custom	1/11





[illegible]



These are the plans referred to in  
Development Application No.:  
2019-213.1  
and determined as APPROVED on: 22/05/2019  
PORT MACQUARIE-HASTINGS COUNCIL

**Date:** Update Rev Council  
16/4/19

[illegible]



A	LOWER LIVING	86 sq.
B	UPPER LIVING	81 sq.
C	GARAGE	24.40 sq.
D	PORCH	7.30 sq.
E	PORCHCO	7.30 sq.
F	GRAND TOTAL	202.40
G	SQUARES	217 sq.
H	SLAB EXT.	9.4m

REVISION

DATE	REVISION
17/07/19	TENDER ISSUE
17/07/19	TENDER 2 ISSUE
19/02/19	PERMIT ISSUE
20/02/19	PERMIT ISSUE- EDITS

## adenbrookhomes

**INITIAL**

R.A.	R.A.	R.A.	R.A.	K.B.
LICENCE NO. 21329C	WWW.ADENBROOKHOMES.CO.NZ/LI	206 LOCHAN RD, WOODLANDSBURY 4162	PH: 07 3630 8900	

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**lower floor plan**

CUSTOMER: **custom**

PLAN OPTION: **PLAN 1:100**

JOB NO.: **PM104**

MASTER SITE: **A - 19/12/13**

DATE: **2/11**

MIR WADE OWEN & MS SARAH LEVORE  
LOT 144 SHORE BREAK PRESENT  
160 CATHIE, NSW 2245

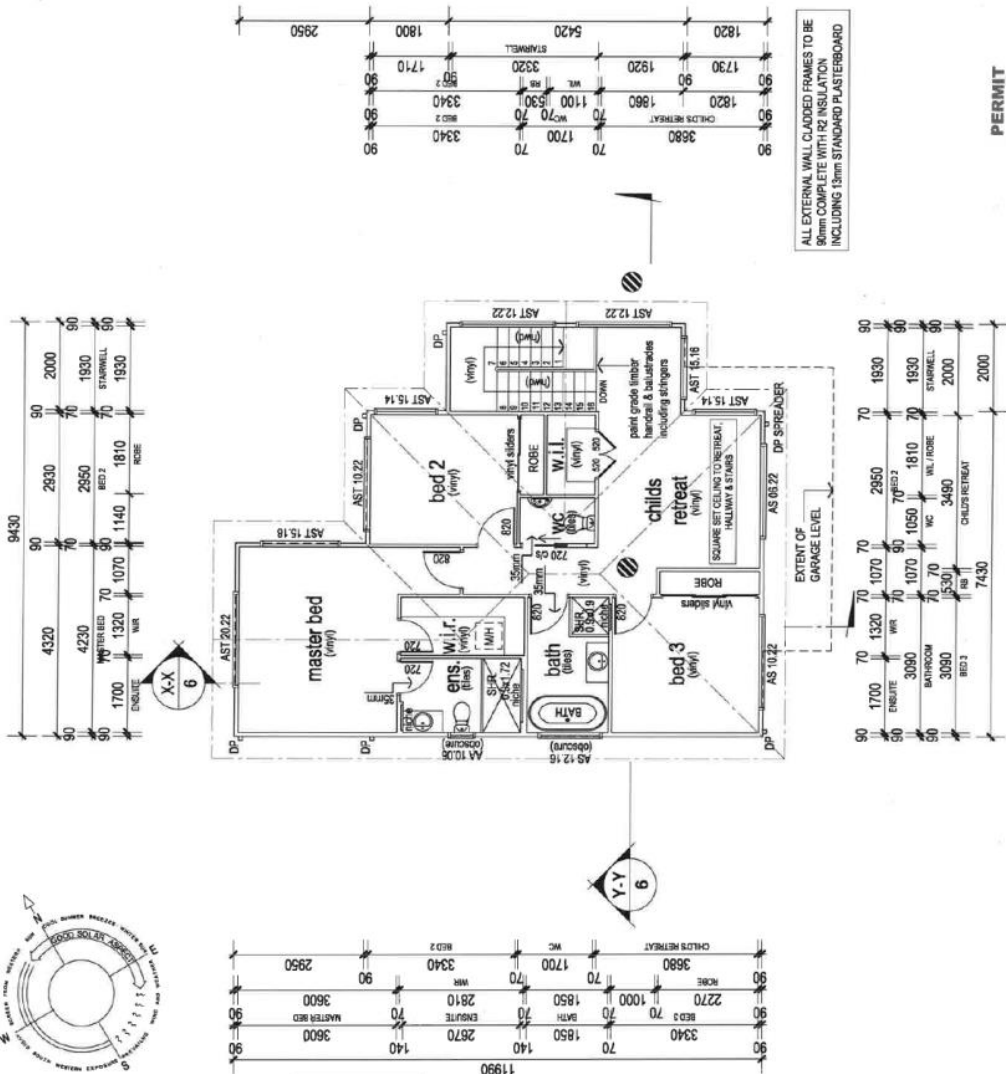
**customer**

NAME: \_\_\_\_\_

PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

CLIENT: \_\_\_\_\_



## PERMIT

Date: Update for Council  
16/4/19

## DWELLING 1

CONSTRUCTION NOTES:

ALL BULKHEADS & NICHES @ 2270 HIGH. NO BULKHEAD TO KITCHEN.  
4TY SCREWS TO OPENING SASHES OF ALL WINDOWS AND SLIDING  
DOORS  
450W SHELF @ 1900H AND HANGING RAIL ONLY TO ALL ROBES  
—REFER TO BASIC NOTES FOR THERMAL REQUIREMENTS  
—BUILDER STANDARD TERMITE PROTECTION SS MESH FLANGES TO  
SUIBI PENETRATIONS AND SMART FLM PERIMETER SYSTEM  
—ANTICON BLANKET TO METAL ROOF

000

© ADOLPHE TOULOUSE 1898. DÉPOSÉ À LA BIBLIOTHÈQUE NATIONALE.

CLAD FRAME TO BE 95mm, H2 INSULATION AND 13mm STANDARD PLASTERBOARD

-ALL GLAZING TO BE RW27 RATED GLASS &amp; FRAME, INCLUDING

ENTRY DOOR 40mm SOLID CORE AND FULL PERIMETER SEALS

1. 2000年10月1日起，凡在我国境内销售货物的单位和个人，均应按销售额的一定比例缴纳增值税。

3.2.5 BEDROOM WINDOW OPENINGS RESTRICTED AS PER BCA 3.9.2.5 WHERE THE FLOOR LEVEL IS GREATER THAN 2 METERS ABOVE

FINISHED GROUND LEVEL

STAIR CONTRIBUTION TO RCA 10.1 INCLUDING 6.10 DISTANCE

ALL TRADES CONSTRUCTED TO BSA 3.9.2

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---

FLUORINE	65.4m	D	F
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91.0m	
24.4m	

14.3m  
7.3m  
7.3m

	W
3	7.311
4	806.1

202.4M	21.7 sq
--------	---------

EXT. 0.3m

---

These are the plans referred to in  
Development Application No.:  
  
2019-213.1  
  
and determined as APPROVED on: 22/05/2019  
PORT MACQUARIE-HASTINGS COUNCIL

A		B		C		D		E		F		G		H		I		J		K		L		M		N		O		P		Q		R		S		T		U		V		W		X		Y		Z		AA		AB		AC		AD		AE		AF		AG		AH		AI		AJ		AK		AL		AM		AN		AO		AP		AQ		AR		AS		AT		AU		AV		AW		AX		AY		AZ		BA		BB		BC		BD		BE		BF		BG		BH		BI		BJ		BK		BL		BM		BN		BO		BP		BQ		BR		BS		BT		BU		BV		BW		BX		BY		BZ		CA		CB		CC		CD		CE		CF		CG		CH		CI		CJ		CK		CL		CM		CN		CO		CP		CQ		CR		CS		CT		CU		CV		CW		CX		CY		CZ		DA		DB		DC		DD		DE		DF		DG		DH		DI		DJ		DK		DL		DM		DN		DO		DP		DQ		DR		DS		DT		DU		DV		DW		DX		DY		DZ		EA		EB		EC		ED		EE		EF		EG		EH		EI		EJ		EK		EL		EM		EN		EO		EP		EQ		ER		ES		ET		EU		EV		EW		EX		EY		EZ		FA		FB		FC		FD		FE		FF		FG		FH		FI		FJ		FK		FL		FM		FN		FO		FP		FQ		FR		FS		FT		FU		FV		FW		FX		FY		FZ		GA		GB		GC		GD		GE		GF		GG		GH		GI		GJ		GK		GL		GM		GN		GO		GP		GQ		GR		GS		GT		GU		GV		GW		GX		GY		GZ		HA		HB		HC		HD		HE		HF		HG		HH		HI		HJ		HK		HL		HM		HN		HO		HP		HQ		HR		HS		HT		HU		HV		HW		HX		HY		HZ		IA		IB		IC		ID		IE		IF		IG		IH		II		IJ		IK		IL		IM		IN		IO		IP		IQ		IR		IS		IT		IU		IV		IW		IX		IY		IZ		JA		JB		JC		JD		JE		JF		JG		JH		JI		JJ		JK		JL		JM		JN		JO		JP		JQ		JR		JS		JT		JU		JV		JW		JX		JY		JZ		KA		KB		KC		KD		KE		KF		KG		KH		KI		KJ		KK		KL		KM		KN		KO		KP		KQ		KR		KS		KT		KU		KV		KW		KX		KY		KZ		LA		LB		LC		LD		LE		LF		LG		LH		LI		LJ		LK		LL		LM		LN		LO		LP		LQ		LR		LS		LT		LU		LV		LW		LX		LY		LZ		MA		MB		MC		MD		ME		MF		MG		MH		MI		MJ		MK		ML		MN		MO		MP		MQ		MR		MS		MT		MU		MV		MW		MX		MY		MZ		NA		NB		NC		ND		NE		NF		NG		NH		NI		NJ		NK		NL		NM		NO		NP		NQ		NR		NS		NT		NU		NV		NW		NX		NY		NZ		OA		OB		OC		OD		OE		OF		OG		OH		OI		OJ		OK		OL		OM		ON		OO		OP		OQ		OR		OS		OT		OU		OV		OW		OX		OY		OZ		PA		PB		PC		PD		PE		PF		PG		PH		PI		PJ		PK		PL		PM		PN		PO		PP		PQ		PR		PS		PT		PU		PV		PW		PX		PY		PZ		QA		QB		QC		QD		QE		QF		QG		QH		QI		QJ		QK		QL		QM		QN		QO		QP		QQ		QR		QS		QT		QU		QV		QW		QX		QY		QZ		RA		RB		RC		RD		RE		RF		RG		RH		RI		RJ		RK		RL		RM		RN		RO		RP		RQ		RR		RS		RT		RU		RV		RW		RX		RY		RZ		SA		SB		SC		SD		SE		SF		SG		SH		SI		SJ		SK		SL		SM		SN		SO		SP		SQ		SR		SS		ST		SU		SV		SW		SX		SY		SZ		TA		TB		TC		TD		TE		TF		TG		TH		TI		TJ		TK		TL		TM		TN		TO		TP		TQ		TR		TS		TT		TU		TV		TW		TX		TY		TZ		UA		UB		UC		UD		UE		UF		UG		UH		UI		UJ		UK		UL		UM		UN		UO		UP		UQ		UR		US		UT		UU		UV		UW		UX		UY		UZ		VA		VB		VC		VD		VE		VF		VG		VH		VI		VJ		VK		VL		VM		VN		VO		VP		VQ		VR		VS		VT		VU		VV		VW		VX		VY		VZ		WA		WB		WC		WD		WE		WF		WG		WH		WI		WJ		WK		WL		WM		WN		WO		WP		WQ		WR		WS		WT		WU		WV		WW		WX		WY		WZ		XA		XB		XC		XD		XE		XF		XG		XH		XI		XJ		XK		XL		XM		XN		XO		XP		XQ		XR		XS		XT		XU		XV		XW		XX		XY		XZ		YA		YB		YC		YD		YE		YF		YG		YH		YI		YJ		YK		YL		YM		YN		YO		YP		YQ		YR		YS		YT		YU		YV		YW		YX		YY		YZ		ZA		ZB		ZC		ZD		ZE		ZF		ZG		ZH		ZI		ZJ		ZK		ZL		ZM		ZN		ZO		ZP		ZQ		ZR		ZS		ZT		ZU		ZV		ZW		ZX		ZY		ZZ	
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## Developer Charges - Estimate

Applicants Name: Matto Luke Corp Pty Ltd  
 Property Address: 4 Shore Break Crescent  
 Lot & Dp: Lot(s):144,DP(s):1230897  
 Development: Two lot torrens subdivision and erection of a dwelling



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	0.6	\$10,296.00 Per ET	\$6,177.60
2 Sewerage Scheme Lake Cathie/Bonny Hills	1	\$3,906.00 Per ET	\$3,906.00
3 Since 13.6.14 - Local Roads - Lake Cathie/Bonny Hills - Area 14	0.8	\$13,388.00 Per ET	\$10,710.40
4 Since 31.1.18 - Open Space - Lake Cathie/Bonny Hills - Per ET	0.8	\$6,808.00 Per ET	\$5,446.40
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Lake Cathie / Bonny Hills	0.8	\$5,316.00 Per ET	\$4,252.80
6 Com 1.3.07 - Administration Building - All areas	0.8	\$919.00 Per ET	\$735.20
7 Commenced 3 April 2006 - Com, Cul and Em Services CP - Bushfire	0.8	\$510.00 Per ET	\$408.00
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$474.10
16			
17			
18			
<b>Total Amount of Estimate (Not for Payment Purposes)</b>			<b>\$32,110.50</b>

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:

3-Mar-2020

Estimate Prepared By Ben Roberts

This is an ESTIMATE ONLY - NOT for Payment Purposes

Matto Luke Corp Pty Ltd, 4 Shore Break Crescent, 3-Mar-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL



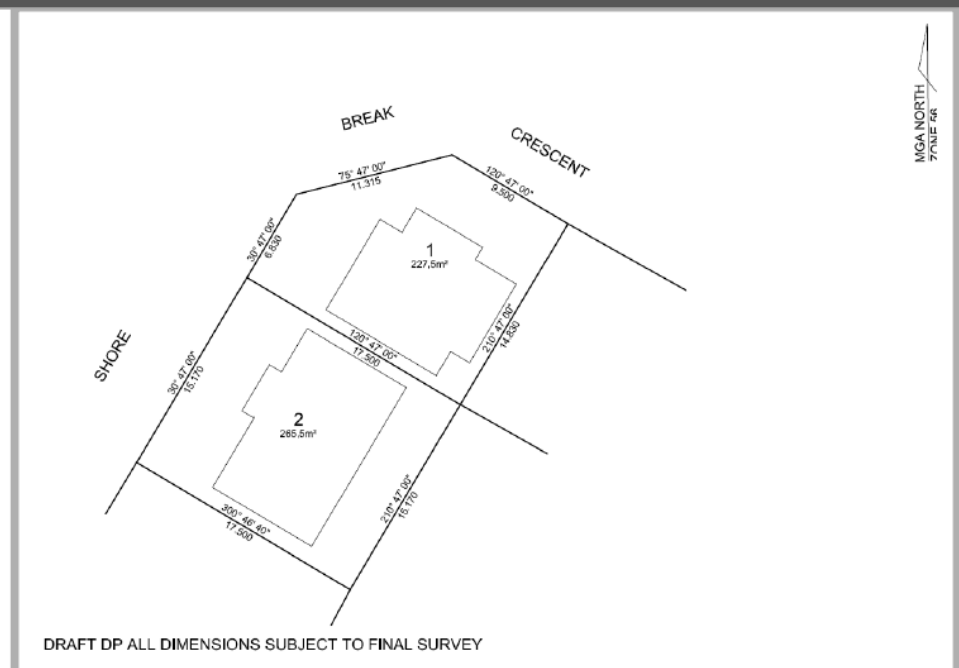
# Love Project Management

PO Box 161 Wauchope NSW 2446

Phone: 0400953101

ABN: 26 108 622 745

## Clause 4.6 Variation to Development Standard Minimum Lot Size

Michelle Love, Project No 6712  
Love Project Management

October, 2019



## Document Details

Document Version Date: 22nd October, 2019

Authorised by: Michelle Love

Signed: 

*This assessment has been undertaken with skill, care and diligence by the staff of Love Project Management. This assessment is based on information provided by the client, third party research and research undertaken by Love Project Management. Independent verification of the documents relied upon has not been undertaken.*

*Love Project Management disclaims any responsibility to the client and others in respect of any matters outside the scope of this report.*

*This report has been prepared on behalf of and for the exclusive use of the client and is subject to and issued in accordance with the agreement between the client and Love Project Management. Love Project Management accepts no liability or responsibility of whatsoever nature in respect of any use of or reliance upon this report by any third party.*

*All parties must acknowledge that conditions of approval at time of consent, post development application and approvals, and other matters, may modify the outcomes described in this report. The information and conclusions presented in this report apply to the subject land at the time of the assessment. All parties must take into account the above information when making decisions on the basis of the findings and conclusion of this report.*

*This report remains the property of Michelle Love of Love Project Management and the right to withdraw this report at any stage is reserved until all payments have been received in full. This report is not to be copied except in full (exempting Appendices / Attachments). This report is not to be used for any property or persons other than those specified within the report. Unauthorised use or plagiarizing this report may lead to a breach of copyright.*

### Executive Summary

The Planning Assessment relates to a clause 4.6 variation to a development standard. The associated development application relates to a staged development of a two lot subdivision and the erection of a dwelling. The development standard to be varied is the minimum lot size. The density of residential development sought by Council will be achieved and the variation is supported.

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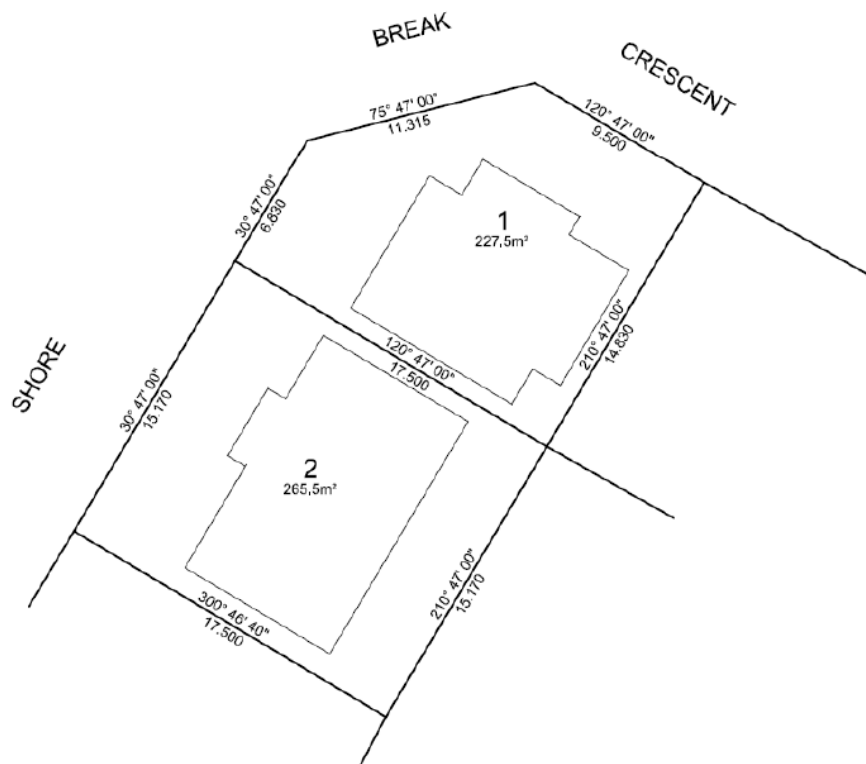
## 1. Proposal

The proposal relates to the subdivision of an existing residential parcel of land on which is currently approved a single dwelling. The subject land is a corner allotment, and the approved dwelling is located close to one of the street frontages. This dwelling is under construction.

The proponent located the dwelling close to one of the street frontages with the intent that the residue of the land could be developed for a dwelling and torrens subdivision. This requires a staged development such that the land subdivision forms Stage 1, and the dwelling approval forms Stage 2.

As the subdivision will result in allotments less than the minimum lot size, a clause 4.6 objection to the development standard is required. This assessment considers the merit of the objection to the minimum lot size.

Figure 1: extract from Draft Linen Plan



The subject land may be identified Lot 144 DP 1230897, 4 Shore Break Crescent, Lake Cathie. The subject land is shown shaded yellow in the following SIX map extract.

OCEAN DRIVE

SHORE LANE OVERLAY

DP 1226533

DP 1247658

DP 1230857

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

[illegible]

The adjoining properties are all zoned for residential development, and the land in this locality is occupied by various forms of residential housing, dominated by detached dwellings. An extract from Google Maps imagery shows the existing level of dwelling construction earlier in 2019. It is evident that the two proposed dwellings will be consistent with the residential development in this locality.

Figure 4: Google Maps Aerial image extract - 2019





### 3. Relevant Planning Background

The subject land forms part of the Area 14 Urban Release Area. The residential estate was initially approved under the provisions of a Part 3A Concept Plan, and Council used this plan to identify specific urban and environmental zones within this area. A specific chapter in the DCP was also introduced to provide further guidance regarding the desired urban development.

The subject land is zoned R3 – Medium Density Residential. This land has a minimum lot size of 1,000m<sup>2</sup>. The aim of this larger lot size was to encourage integrated residential development of the land, but as predominantly detached housing. This is reflected in the Area 14 specific controls in DCP 2013. The DCP provisions identify the subject land as being within Precinct B and the specific provisions relating to Precinct B are as follows:

DCP 2013 Extract – Precinct B:

*“Fully developed, Precinct B is anticipated to provide about 500 new dwellings, predominantly detached houses, providing for about 900 residents. The Hilltop Village will include a mix of permanent residential accommodation and about 100 tourist accommodation apartments.*

*The desired outcomes for the precinct are:*

- *The littoral rainforest if protected, maintained and improved,*
- *Duchess Creek is protected and improved,*
- *A vibrant mixed use precinct is established with a focus on tourism,*
- *The coastal cycle and walkway is extended through the site,*
- *Development provides a variety of housing types including medium density.”*

The subdivision within Precinct B which created the subject land (DA 2016/284) was for 16 residential allotments, with all lots having an area of 450m<sup>2</sup> except for the corner lots with the largest allotment being 516m<sup>2</sup> (the subject land is a corner allotment with an area of 493m<sup>2</sup>). The creation of this subdivision required a clause 4.6 objection as these allotments were all significantly less than the 1,000m<sup>2</sup> minimum lot size for the land. The application noted that the desired residential yield would still be achieved. DA 2016/284 was considered at a Development Assessment Panel meeting and recommended for approval, and subsequently approved by resolution of a full Council meeting.

An application similar to this current proposal was approved as per the consent for 3 Shore Break Crescent, Lake Cathie, being DA 2017/460. That land has the same zoning and same minimum lot size as the subject land. The application was for a staged torrens subdivision and construction of a separate dwelling on each resultant lot. The lots were again, significantly less than the minimum lot size, however the residential yield was consistent with the desired outcome as set out in the Area 14 concept documents and DCP 2013, hence the application was approved.

## 4. Clause 4.6 Assessment

### 4.1 LEP Provisions

Clause 4.6 of Port Macquarie – Hastings LEP 2011, requires the following matters to be considered by the consent authority when determining a variation to a development standard. These matters are listed as follows with the related assessment under each item:

#### 4.6 Exceptions to development standards

*(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.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The development standard to be varied is clause 4.1 of LEP 2011. This clause is not expressly excluded from the operation of clause 4.6 and therefore may be assessed as an exception to a development standard.

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

This Planning Report and assessment under the provisions of clause 4.6 is deemed to be a written request to the consent authority to consider this matter.

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

Matters 3(a) and 3(b) are considered in the following sections:

In assessing these matters, it is also relevant to consider if the proposal is in the Public Interest, and particularly whether the proposal is consistent with the objectives of the R3 – Medium

LPM October, 2019



Density zone, and the objectives of the development standard which is to be varied. These matters are considered as follows:

The proposal will vary the development standard as prescribed by the provisions of clause 4.1 of LEP 2011. The objectives of this clause are set out as follows:

*4.1 Minimum subdivision lot size*

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

- (a) to ensure that lot sizes are compatible with local environmental values and constraints,*
- (b) to facilitate efficient use of land resources for residential and other human purposes,*
- (c) to minimise the fragmentation of rural land suitable for sustainable primary production,*
- (d) to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones.*

In considering if the proposed two lot subdivision would result in lots which are compatible with local environmental values and constraints, it is noted that the subject land does not contain any areas of environmental significance. Therefore, the subdivision of the land will not have any adverse impacts on any environmental values or constraints on the subject land.

The proposal will enhance the efficient use of available, serviced, and fully accessible residential land. Both proposed lots will be serviced with reticulated water, sewer and integrated stormwater networks, as well as having good street frontage (being a corner allotment). The proposal will improve the achievement of the identified residential yield for this Area 14 Precinct.

Objective (c) refers to fragmentation of rural land. This proposal relates to a residential precinct and will not impact on rural land or primary production.

Similarly, Objective (d) refers to areas of high value within environment protection zones. The subject land does not include any area of land zoned environmental protection, and nor is any such land adjoining the subject land. Therefore, this objective is not applicable to the proposal.

Having regard to the above, it is considered that the proposal is consistent with the objectives of clause 4.1 – Minimum subdivision lot size.

Compliance with the development standard would result in the subject land not being subdivided – however the subject land has an area of 493m<sup>2</sup> and is already significantly less than the minimum lot size of 1,000m<sup>2</sup>. The allotments which were approved in the same land subdivision as the subject land are primarily lots with an area of 450m<sup>2</sup> and approved for single, detached dwellings. This proposal will result in the subdivision of the subject land, and an additional allotment and associated additional detached dwelling. This will increase the residential yield for the subject land, which is consistent with the planning controls and Council's desired residential densities for this precinct.

The objectives of the R3 – Medium Density Residential zone, are as follows:

- *to provide for the housing needs of the community with a medium density residential environment;*
- *to provide a variety of housing types within a medium density residential environment;*
- *to enable other landuses that provide facilities or services to meet the day to day needs of residents.*

In regard to the zone objectives, it is noted that the proposal will double the residential yield for the subject land, which is considered to be consistent with the objective of providing for the housing needs of the community within a medium density residential environment. The proposal is for the subdivision of the land and the approval of an additional dwelling. This is consistent with the objective to provide a variety of housing types within the medium density residential environment. The third objective is not of relevance to this proposal.

Based on these matters, it is considered that the proposal is consistent with the relevant objectives of the R3 – Medium Density Residential zone objectives.

In considering the objectives of clause 4.1, and the objectives of the R3 zone, it is considered that the proposal is consistent with the relevant objectives and the proposal is thus in the public interest.

Compliance with the development standard is considered unnecessary as the proposal will increase the supply of residential housing, and will increase the residential yield, which is consistent with the identified desired planning outcome for this Area 14 Precinct. The environmental planning grounds for support of this matter include the demonstrated ability for each allotment to be satisfactorily developed for residential development. The form of residential development is detached housing as per the identified objective for this precinct setout in DCP 2013. Thus, the proposal is consistent with the residential yields for this urban release area. Therefore it has been demonstrated that there are appropriate and consistent planning grounds which enable support of this development standard variation.

*(4) Development consent must not be granted for development that contravenes a development standard unless—*

*(a) the consent authority is satisfied that—*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

*(c) the concurrence of the Secretary has been obtained.*

The proposed development standard variation is considered to be in the public interest as it has been assessed as being consistent with the objectives of both the provisions of clause 4.1 (the development standard being varied) and the zone objectives – as discussed earlier in this report. The concurrence of the Secretary is subject to Council's delegations in regards to this matter. Council advice is that the matter will need to be determined at a Council meeting as the variation to the lot size standard is greater than 10%.

- (5) *In deciding whether to grant concurrence, the Secretary must consider—*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*
  - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The variation to this development standard does not raise any matter of significance for State or Regional environmental planning. Area 14 was identified for urban release, and various development consents have been issued to achieve the residential development of this area. The proposal is consistent with the desired outcome for this particular Precinct in regards to the residential yield. The public interest will not be compromised and it has been demonstrated that the proposal is consistent with the objectives of both the development standard and the zone for this land. There is a public benefit in ensuring that the use of the land for residential development is supported and that available residential land is utilised for that purpose.

- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

*Note. When this Plan was made, it did not include Zone RU4.*

The subject land is zoned R3 and therefore the above matters are not applicable to this proposal.

- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

It is noted that this development standard variation will be maintained on Council's records as required for the purposes of clause 4.6.

*(8) This clause does not allow development consent to be granted for development that would contravene any of the following —*

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (ca) clause 6.1, 6.2 or 6.3.*

This proposal will not contravene any of the matters identified above. The plans demonstrate that a dwelling will be able to be constructed on the additional allotment which is compliant with the required standards, and the urban release area identified as Area 14 is well established with regards to controls plans and other relevant matters already being in place.

## 4.2 Wehbe Tests

The Wehbe Tests arose from a Land and Environment Court matter and have been used by some Councils as additional assessment matters when determining clause 4.6 development standard variations. This five part test overlaps in some respect with the matters considered under the provisions of clause 4.6. Consideration of the Wehbe / Five Part Test is set out as follows:

1. *The objectives of the standard are achieved notwithstanding non compliance with the standard.*

The objectives of LEP 2011, clause 4.1 – Minimum subdivision lot size, have been considered earlier in this report. It is noted that the proposal is consistent with the relevant development standard objectives. It is particularly noted that the lot sizes will be compatible with the local environmental values and constraints, as the subject land does not contain any areas of environmental value. The subject land is also already provided with reticulated services and dual road frontage and the proposal is an efficient use of these existing resources. Therefore, it is noted that the proposal will achieve the objectives of the relevant development standard, notwithstanding the non compliance with this standard.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.*

The objective or purpose of the standard is relevant such that the subdivision of land should not compromise existing environmental values, and should make efficient use of the land. However, it is noted that the proposal is consistent with these objectives and the purpose of the standard.

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.*

It is considered that strict compliance with the standard would NOT result in the efficient use of available, unconstrained, residential land and thus would not be consistent with the underlying object or purpose of the standard – and therefore compliance with the standard is unreasonable in this matter.

4. *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.*

It is considered that the subdivision which created this allotment, and the adjoining block of residential lots with a majority having an area of 450m<sup>2</sup>, has essentially abandoned the 1,000m<sup>2</sup> minimum lot size for this area. However, the desired residential yield has been achieved and this is the underlying purpose. The proposal will reinforce the identity of this area as having a reasonable level of residential density.

5. *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Compliance with the development standard could be considered unreasonable in this case as the subdivision of the land has already been undertaken to create allotments which are significantly less than the minimum lot size. The zoning of the land represents the desired higher level of residential yield, and the proposal will assist in achieving this residential yield.

## 5. Conclusion

Clause 4.6 is to allow for flexibility in the application of development standards where appropriate. Compliance with a minimum lot size of 1,000m<sup>2</sup> is unreasonable and cannot be achieved as the subject land as an existing area of 493m<sup>2</sup>.

The proposal is consistent with the objectives of both the development standard (clause 4.1) and the objectives of clause 4.6. There are public benefits which arise from the efficient use of available, serviced land, and this outcome, combined with the compliance with the relevant objectives, demonstrates that the proposal is in the public interest.

Therefore, it is considered that the proposal is an appropriate use of the subject land and is an appropriate application of the provisions of clause 4.6. For these reasons, the variation to the development standard is supported and should be approved.





## STATEMENT OF ENVIRONMENTAL EFFECTS

This form is to be submitted for minor development applications only, such as new dwellings, alterations and additions and ancillary structures, change of use/first use of commercial and industrial premises. Other applications will require a comprehensive SOEE. Refer to SOEE Fact Sheet or Council's Duty Planner for assistance.

If you answer "yes" to any item in sections 4 to 8 you will need to detail the likely impact(s) and the proposed means of mitigating or reducing such impact(s). If insufficient space has been provided, attach additional sheet(s).

### 1. PROPERTY DETAILS

Lot No 144 Section No. .... DP/SP No 1230897 Street No 4 .....

Street Name Shore Break Crescent .....

Suburb/Town Port Macquarie Postcode 2444 .....

### 2. PROPOSAL DESCRIPTION

Provide a description of the proposed development. ....

Two Storey dwelling with attached garage, and driveway. Plus Torrens title subdivision .....

Staged development: Stage One is the subdivision of the land; Stage Two is the construction of the dwelling. .....

The following questions are to be completed for applications relating to home business/industry, shops, commercial and industrial premises.

Hours of operation? .....

Client and staff numbers? .....

Type, size and quantity of goods to be made, stored or transported? .....

Details of any deliveries (i.e. hours, frequency, type of vehicles)? .....

Details of any retailing? .....

Comments: .....

.....

.....

### 3. PLANNING INFORMATION

What is the zoning of the subject land? Residential

What is the current use of the land/building? Vacant

Is your proposal:

- permissible in the zone? Yes ☒ No ☐
- consistent with the zone objectives? Yes ☒ No ☐

Does your proposal comply with the relevant:

- development standards (i.e. FSR, heights) in the Local Environmental Plan? Yes ☒ No ☒
- development control plan (e.g. setbacks, car parking)? Yes ☒ No ☐

If you answered "no" to any of the above questions, a detailed justification is required. Additionally, you should discuss your proposal with the Duty Planner before lodging your development application.

Clause 4.6 Report included with application

### 4. SITE SUITABILITY

Will the development:

- affect any neighbouring residences by overshadowing or loss of privacy? Yes ☐ No ☒
- result in the loss or reduction of views? Yes ☐ No ☒
- impact on any item of heritage or cultural significance? Yes ☐ No ☒
- result in land use conflict or incompatibility with neighbouring premises? Yes ☐ No ☒
- be out of character with the surrounding area? Yes ☐ No ☒
- be visually prominent within the existing landscape/streetscape? Yes ☐ No ☒
- require excavation or filling in excess of 1 metre? Yes ☐ No ☒
- require the erection or display of any advertising signage? Yes ☒ No ☐

Comments: .....

.....

.....

## 5. ENVIRONMENTAL IMPACTS

Is the site affected by any of the following natural hazards? Yes ☒ No ☐

If yes, please indicate which hazard. Flooding ☐ Bushfire ☒ Acid sulfate soils ☐

(Note: Information on natural hazards available from Council.)

Will the proposal:

- result in any form of air pollution (smoke, dust, odour, etc)? Yes ☐ No ☐
- have the potential to cause any form of water pollution? Yes ☐ No ☐
- emit noise levels that could affect neighbouring properties? Yes ☐ No ☐
- be considered potentially hazardous or offensive (refer SEPP 33 for definitions)? Yes ☐ No ☐
- affect native or aquatic habitat? Yes ☐ No ☐
- have an impact on a threatened species or habitat? Yes ☐ No ☐
- involve the removal of any trees? (If yes, detail type and number below.) Yes ☐ No ☐

Comments: .....

.....

.....

## 6. ACCESS, TRAFFIC &amp; UTILITIES

Are electricity and telecommunications services available to the site? Yes ☒ No ☐

Does the site have access to town water? Yes ☒ No ☐

Does the site have access to town sewerage? Yes ☒ No ☐

If you answered no to the above, is a waste water report attached? Yes ☐ No ☐

Provide details of on-site parking, including number of spaces. ....

.....

Is lawful and practical access available to the site? Yes ☒ No ☐

Will the development increase local traffic movements and volumes? Yes ☐ No ☒

Are appropriate manoeuvring, unloading and loading facilities available on site? Yes ☒ No ☐

(Note: Turning templates may be required for medium density, commercial and industrial.)

Provide details of proposed method of stormwater disposal (e.g. street, rubble drain, rainwater tank)

.....

Comments: .....

.....

.....

#### 7. SOCIAL & ECONOMIC IMPACTS *(Not applicable to new dwellings, additions or like.)*

Will the proposal have any social or economic impacts in the area? Yes ☐ No ☒

Have you conducted any community consultation (e.g. neighbours, Police)? Yes ☐ No ☐

Have you considered Council's Social Impact Assessment Policy? Yes ☐ No ☐

Comments: .....

.....

.....

#### 8. WASTE DISPOSAL

Provide details of waste management, including reuse and recycling .....

Hastings Blue bins will be used for rubbish removal

.....

.....

How and where will the wastes be stored? On the site

.....

.....

Does the proposed use generate any special wastes (e.g. medical, contaminated)? Yes ☐ No ☒

Will the use generate trade wastes (e.g. greasy or medical wastes)? Yes ☐ No ☒

Comments: .....

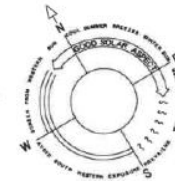
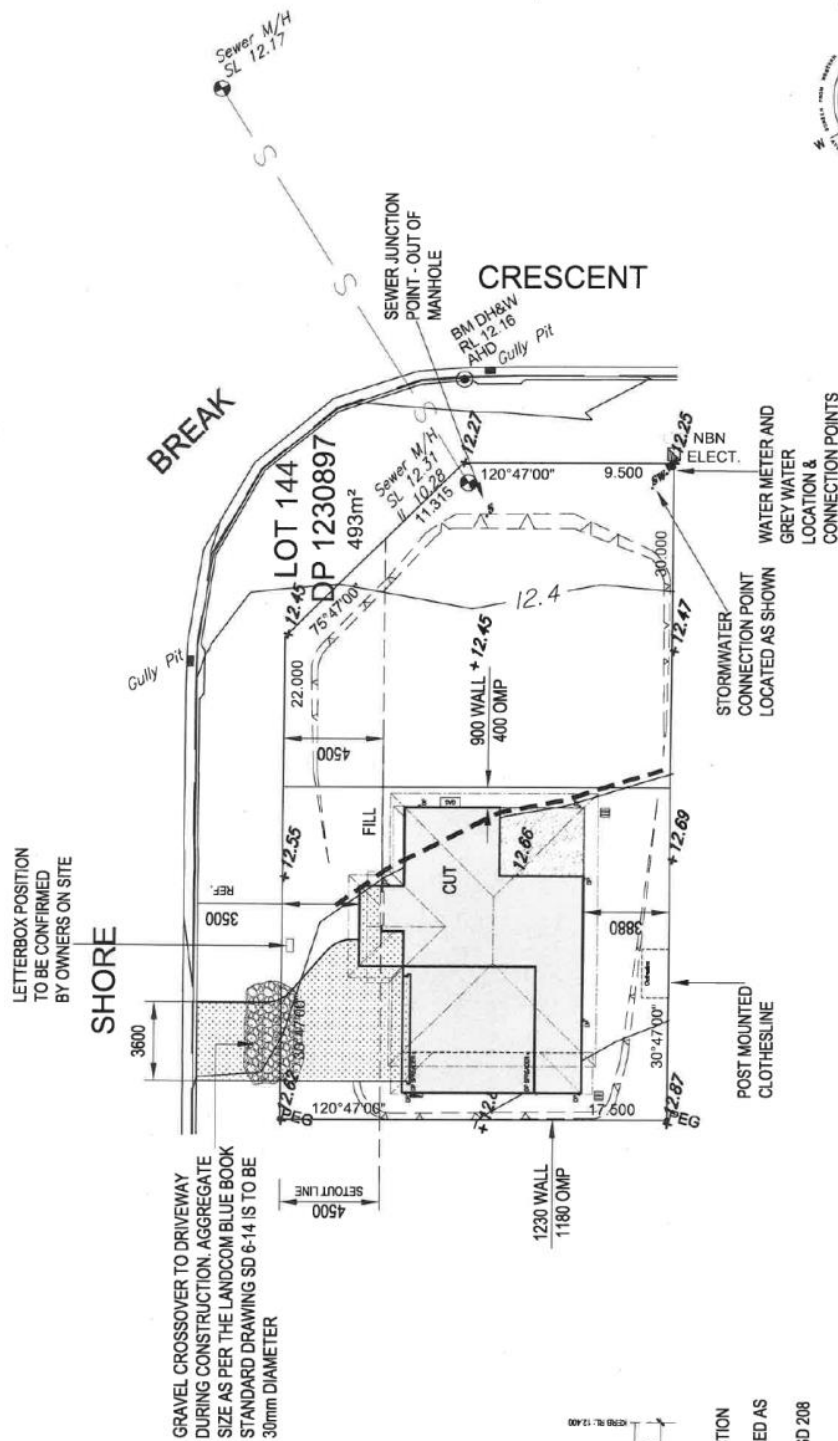
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APPLICANT'S SIGNATURE *Lslade*

DATE ~~27.8.19~~  
11.9.19

LEGEND	
	METER BOX
	GULLY GRATE
	CUTOFF LINE
	ROCK RETAINING WALL
	TIMBER RETAINING WALL
	TREES TO BE REMOVED
	DRIVEWAY GRATE
	PROPOSED FUTURE POOL PROV.
	BROOM FINISHED CONCRETE
	EXPOSED AGGREGATE CONCRETE
	TILES
	COLORLED CONCRETE WITH BROOM FINISH
	DENOTES AREA BY OWNER
	POWER
	TELSTRA CONDUIT
	WATER
	SEWER MANHOLE
	HYDRANT
	STOP VALVE



PERMIT

Date: 30/05/19

ACOUSTIC: CAT 2

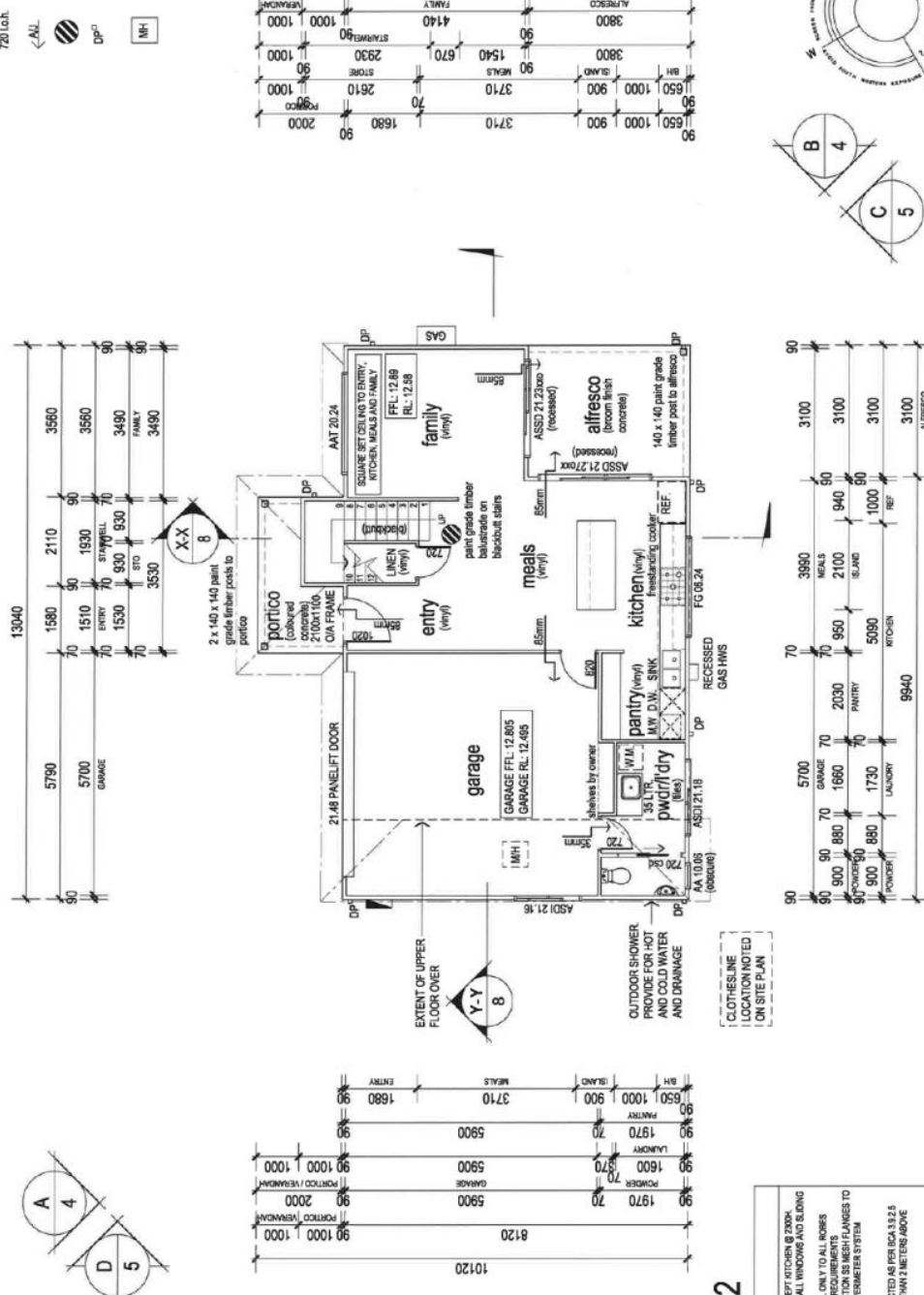
BUSHFIRE - BAL 12.5

DWELLING 2 FFL: 12.89  
PLATFORM AT RL: 12.58DWELLING 2 GARAGE FFL: 12.805  
GARAGE PLATFORM AT RL: 12.495

DETAIL AND CONTOUR SURVEY	
LOT 144 DP 1230897 LAKE CATHIE	
COASTAL SURVEY SOLUTIONS CONSULTING SURVEYORS AND PLANNERS	
7 WILLOW PLACE PORT MACQUARRE NSW 2444 PO BOX 2225 PMO	PH: 05 8377774 Mobile: 0458 464 644 moss@coastalsurveysolutions.com.au

ALL PLANNING AND ENGINEERING NOTICES OR NOTICES OF OBJECTION TO THE DEVELOPMENT OF THIS SITE ARE TO BE SUBMITTED TO THE LOCAL GOVERNMENT WITHIN THE SPECIFIED TIME FRAME. THE LOCAL GOVERNMENT SHALL BE RESPONSIBLE FOR THE REVIEW OF THE DEVELOPMENT AND THE ISSUING OF A DEVELOPMENT CONSENT. THE DEVELOPMENT CONSENT SHALL BE VALID FOR A PERIOD OF 12 MONTHS FROM THE DATE OF ISSUANCE. THE DEVELOPMENT CONSENT SHALL BE VALID FOR A PERIOD OF 12 MONTHS FROM THE DATE OF ISSUANCE. THE DEVELOPMENT CONSENT SHALL BE VALID FOR A PERIOD OF 12 MONTHS FROM THE DATE OF ISSUANCE.

DATE	REVISION	INITIAL	K.B.	R.A.	MR WADE OWEN & SARAH LIEVORE	ROUTE	custom	site plan
01/05/19	TENDER ISSUE				LOT 144, UNIT 2 SHORE BREAK CRESCENT	custom	custom	1/11
19/03/19	TENDER 2 - PERMIT ISSUE				LAKE CATHIE, NSW 2445	custom	custom	
20/05/19	PERMIT EDITS				LAKE CATHIE, NSW 2445	custom	custom	



## DWELLING 2

**CONSTRUCTION NOTES:**

1. ALL BUILDINGS A NOISES @ 27DB EXCEPT KITCHENS @ 29DB.

2. ALL 1/2" SCREENS TO OPENING SIESLES OF ALL WINDOWS AND SLUING DOORS

3. 4000 SHEET @ 1900' AND HANGING HALL ONLY TO ALL ROOMS

4. 4000 SHEET @ 1900' AND HANGING HALL ONLY TO ALL ROOMS

5. BUILDERS TERMINAL TIE PROTECTION IS WESH FLANGES TO SUELS PENETRATIONS AND SMART LAM PERMETER SYSTEM

6. ANTIION SLABMET TO MEET 1900'.

7. GEOSION WINDOW OPENINGS RESTRICTED TO PER BCA 3.8.2

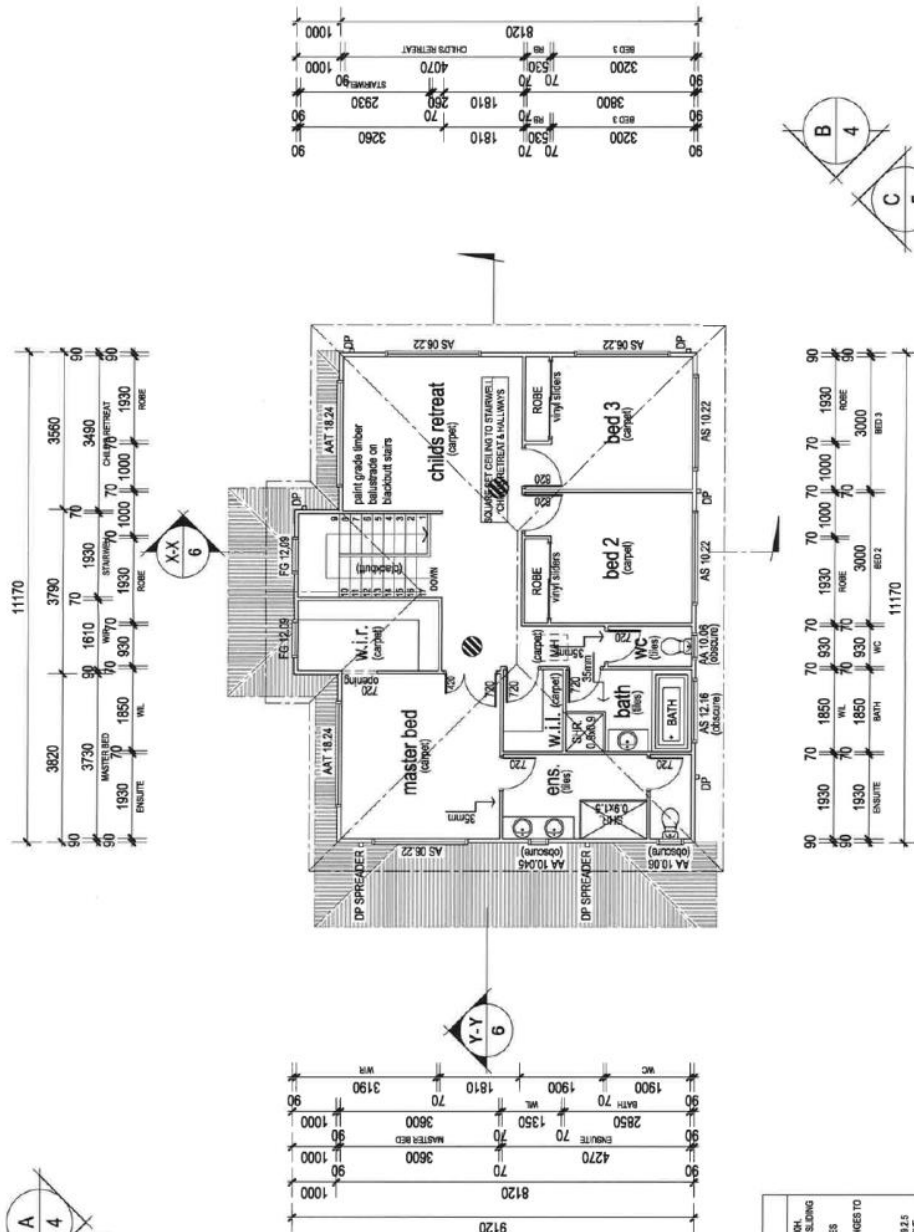
8. WHERE THE FLOOR LEVEL IS GREATER THAN 1 METERS ABOVE FINISHED GROUND LEVEL.

9. START CONSTRUCTION TO BCA 3.8.1 INCLUDING SLIP RESISTANCE

10. SCAFFOLDINGS CONSTRUCTED TO BCA 3.8.2

**FOR ACoustIC REQUIREMENT - REFER BASIX PAGE**

		61.5m A LOWER LIVING	
		52.8m B UPPER LIVING	
		11.8m C ALFRESCO	
		5.3m E PORTICO	
		206.0m GRAND TOTAL	
		22.0 m SQUARES	
DATE		REVISION	
01/06/18	K.B.	TENDER ISSUE	
19/09/19	R.A.	2 - PERMIT ISSUE	
20/09/19	R.A.	PERMIT EDITS	
INITIAL		adenbrookhomes	
K.B.		LICENCE NO. 212592	
R.A.		206 LOAN RD, WOOLLOOMBA QLD 4192	
		WWW.ADENBROOKHOMES.COM.AU	
		PH (07) 328 8980	
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MR WADE OWEN & MS SARAH L'EVORE		HOUSE	custom
LOT 144, UNIT 2 SHORE BREAK CRESCENT		PLAN OPTION	cstm
LANE CATHEE, NSW 2445		HOUSE	custom
SUBTOTALS		HOUSE	2/11
		MASTER ISSUE A-19/2/13	



## DWELLING 2

CONSTRUCTION NOTES:

- ALL BUILDERS & NICHES @ 27TH EXCEPT KITCHEN @ 2300H.  
ALL BUILDERS & NICHES @ 27TH EXCEPT KITCHEN @ 2300H.  
ALL BUILDERS & NICHES @ 27TH EXCEPT KITCHEN @ 2300H.**

3-BEDROOM WINDOW OPENINGS RESTRICTED AS PER BCA 3.9.2.5 WHERE THE FLOOR LEVEL IS GREATER THAN 2 METERS ABOVE FINISHED GROUND LEVEL

STAIR CONSTRUCTION TO BCA 3.9.1 INCLUDING SLIP RESISTANCE  
BALUSTRADES CONSTRUCTED TO BCA 3.9.2

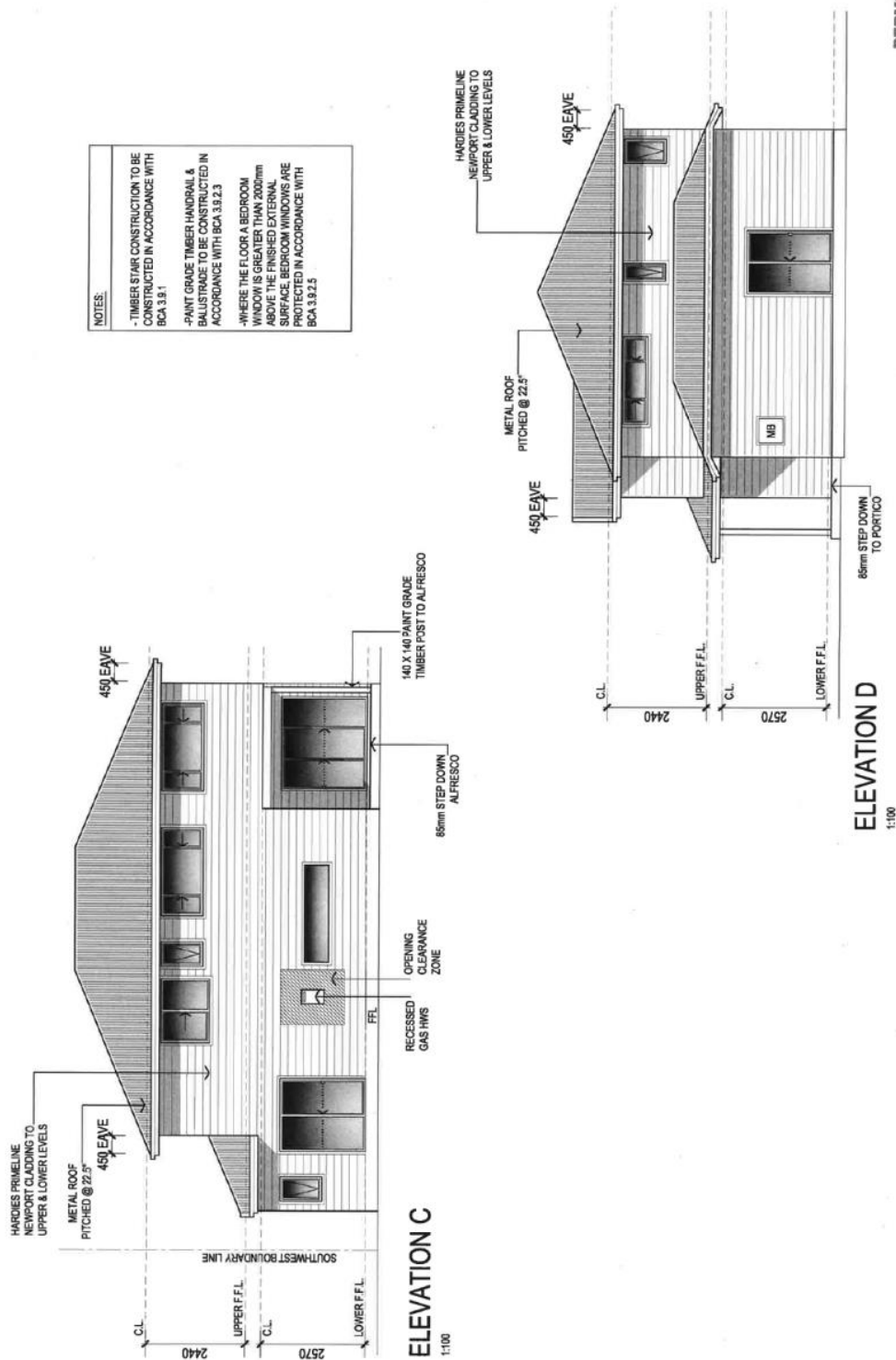
FOR ACOUSTIC REQUIREMENT - REFER BASIX PAGE

<p><b>A</b> LOWER LIVING 61.5m<sup>2</sup></p> <p><b>B</b> UPPER LIVING 92.8m<sup>2</sup></p> <p><b>C</b> DECK 11.6m<sup>2</sup></p> <p><b>D</b> ALFRESCO 11.6m<sup>2</sup></p> <p><b>E</b> PORTICO 5.3m<sup>2</sup></p>				<p><b>DATE</b></p> <p>19/06/18</p> <p>01/08/19</p> <p>20/06/19</p>	<p><b>REVISION</b></p> <p>TENDER ISSUE</p> <p>TENDER 2 - PERMIT ISSUE</p> <p>PERMIT EDITS</p>	<p><b>INITIAL</b></p> <p>K.B.</p> <p>R.A.</p> <p>R.A.</p>	<p><b>adenbrookhomes</b></p> <p>LICENCE NO. 21529C</p> <p>206 LOGAN RD, WOOLLOONGABA QLD 4102</p> <p>WWW.ADENBROOKHOMES.COM/AU</p> <p>PH (07) 3202 8000</p> <p><small>(This work is evidenced) owned by Adenbrook Pty Ltd and cannot be reproduced or copied, altered, altered or in part or any form (graphic, electronic or mechanical, including photocopying) without the written permission of Adenbrook Pty Ltd.</small></p>	<p><b>MR WADE OWEN &amp; MS SARAH LIEVORE</b></p> <p>LOT 144, UNIT 2 SHORE BREAK CRESCENT</p> <p>LOVE CATHEE, NSW 2445</p> <p><b>sketch</b></p> <p><b>sketch</b></p>	<p><b>HOUSE</b></p> <p><b>custom</b></p> <p><b>PLAN OPTION</b></p> <p><b>cstm</b></p> <p><b>HOUSE</b></p> <p><b>custom</b></p>	<p><b>TITLE</b></p> <p><b>upper floor plan</b></p> <p><b>JOB NO. P1012</b></p> <p><b>SCALE</b></p> <p><b>1:100</b></p> <p><b>MASTER ISSUE A - 19/2/13</b></p> <p><b>3/11</b></p>
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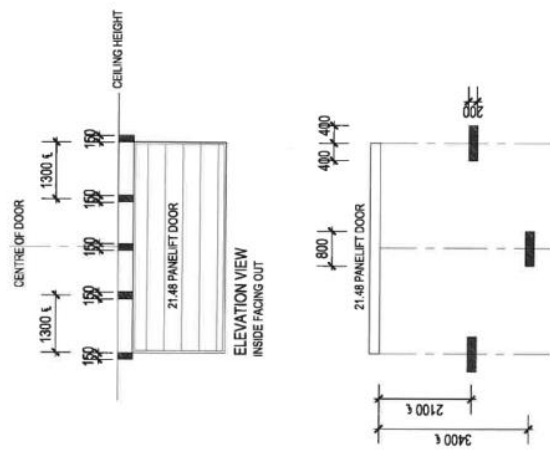
	DATE	REVISION	INITIAL	HOUSE	TITLE
PROVIDE FOR WINDOWS IN BEDROOMS WHERE THE FLOOR IS OVER 1.8M ABOVE GROUND LEVEL WHERE THE BUILDING IS NOT AN EXEMPT DEVELOPMENT.	01/06/19	TENDER ISSUE	K.B.	custom	elevations 1
PROVIDE ROOFINGS TO ACCORD TO PERMISSABLE POISTS FOR ANY BALUSTRADE SPIN OVER 3M.	18/03/19	TENDER 2 - PERMIT ISSUE	R.A.	cstm	SCALE 1:100
PROVIDE 1/2 INSULATION TO EXTERNAL WALLS WITH FIRE RATING CLASSING	20/05/19	PERMIT EDITS	R.A.	custom	JOB NO: PHW12 MASTER ISSUE A - 19/02/13
PROVIDE 4MM THICK BATTERED TO WALLS WITH 1/2 OR TAPERED CLADDING					
PROVIDE 4MM THICK VERTICAL SLAB LINE FOR SINGLE STORY ON STRUCTURAL CLADDING					
CL IS DEFINED AS THE LANDSCAPE OF THE BUILDINGS ON FLOOR JOISTS AND DOES NOT INCLUDE CEILING LINING					



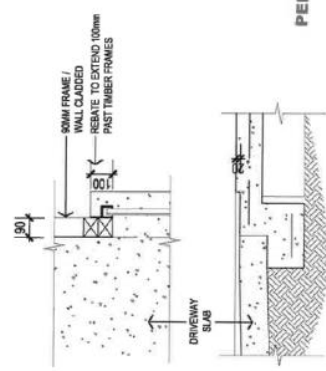
PERMIT

Date: 20/5/19

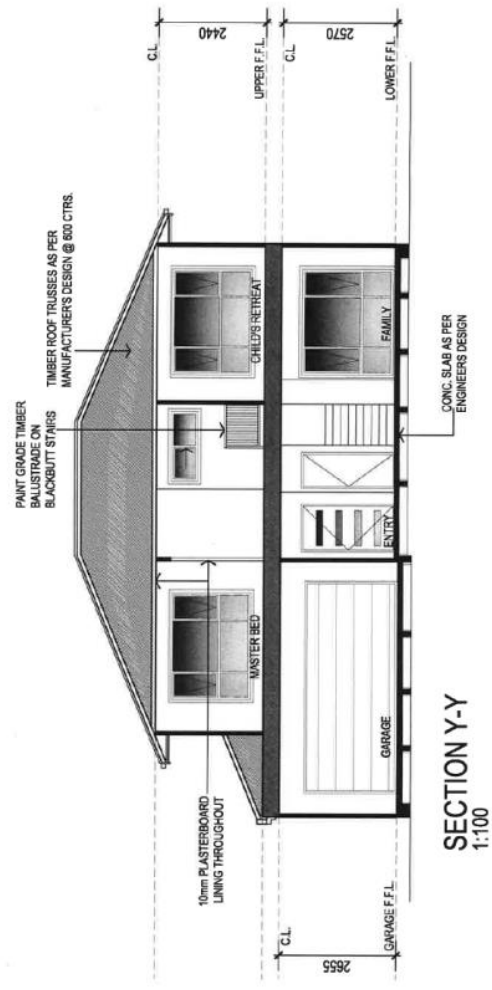
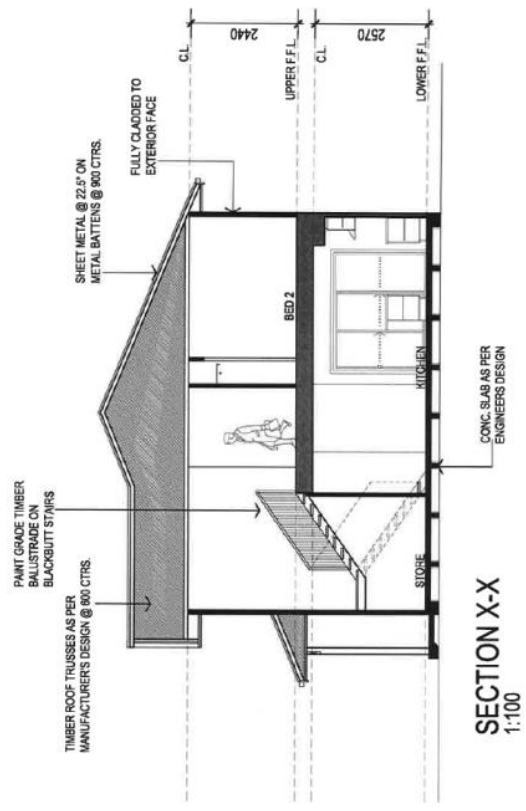
DATE	REVISION	INITIAL	adenbrookhomes	MR WADE OWEN & MS SARAH LEVORE	custom	TITLE
01/08/18	TENDER ISSUE	K.B.	286 LOAN RD. WOOLLOOMBA QLD 4102	LOT 144, UNIT 2 SHORE BREAK CRESCENT	custom	elevations 2
18/03/19	TENDER 2 - PERMIT ISSUE	R.A.	286 LOAN RD. WOOLLOOMBA QLD 4102	LAKE CATHE, NSW 2445	cstm	SCALE 1:100
20/05/19	PERMIT EDITS	R.A.	PH: 07 303 8600 WWW.ADENBROOKHOMES.COM.AU	SIGNATURE: <i>Wade Owen</i>	custom	JOB NO: PM12
			<small>*This work is submitted under the terms of the Adenbrookhomes Pty Ltd. Terms of Service, which can be found at www.adenbrookhomes.com.au/terms-of-service</small>			MASTER ISSUE A - 18/03/19
						5/11



PLAN VIEW  
BLOCKS TO BE SAME LEVEL AS CEILING HEIGHT  
**GARAGE DOOR BLOCK DETAIL**  
1:100



PERMIT  
Date: 20/5/19  
**GARAGE DOOR PIER DETAIL**  
1:20



MR WADE OWEN & MS SARAH LEVORE		custom	details
LOT 144, UNIT 2 SHORE BREAK CRESCENT		custom	details
LAKE CATHE, NSW 2445		custom	details
SIGNATURES		custom	details
JOB NO: PM12		custom	details
MASTER ISSUE A - 18/12/13		custom	details
8/11		custom	details

## BASIX REQUIREMENTS

## WATER REQUIREMENTS

- Total Area of Garden and Lawn 107m<sup>2</sup>

## Features

- Showerhead Rating must be a min. 3 Star Efficiency Rating to all showers
- Toilet Rating must be a min. 4 Star Efficiency Rating to all toilets
- Kitchen Taps Rating must be a min. 4 Star Efficiency Rating
- Bathroom Basin Taps Rating must be a min. 4 Star Efficiency Rating

## Alternative Water:

- Refabricated alternative water supply system as per BASIX requirements
  - Alternative Water Supply:
- All to lets connected to grey water
- Outdoor Tap (minimum one) connected to grey water

## THERMAL REQUIREMENTS

- Refer to BASIX report for window glazing requirements
- insulation of R 2.0 to be installed to external walls to achieve minimum total R value R 2.4 to external timber framed walls (not between house & garage)
- insulation of R 0.6 to beams & joists floor system.
- insulation batts to roof space with a total minimum R value of R 2.5

## ENERGY REQUIREMENTS

1993 Winter

- Hot Water System: Gas Instantaneous
- Hot Water System performance rating: 4.5 stars

• The

- The Living areas & bedrooms must not incorporate any heating or cooling system, or any ducting which is designed to accommodate same
- ventilation:

- Health
- Work

- Kitchen exhaust system individual fan, not ducted, Operational Control manual On/Off switch
- Laundry exhaust system: Nature Ventilation only, Operational Control N/A

• Fold

- There must be a window and/or skylight installed in the kitchen for natural lighting.
- The 3 bedroom(s) must have a window and/or skylight for natural lighting.

1995

- The applicant must install a gas hoodtop & electrical oven in the kitchen
- The refrigerator space in the development must be constructed so that it is "well ventilated", as defined in the BASIX definitions.
- Fixed Outdoor Clothing must be installed

## BUSHFIRE RATING

- AL: 12.5

## ACOUSTIC REQUIREMENT: CAT 2

- All glazing to be RW 27 rated, min. 6mm monolithic glass & full acoustic weather seals.  
 Acoustic certificate required for onsets and Pivots. Certifier approval of Occupancy Certificate.  
 Blinds: venetian walls shall be 110mm blind x 50mm air gap x 50mm frame x 10mm standard plasterboard internally.  
 Timber frame or cladding walls shall be 6mm frame cement sheathing of weatherboards or plank cladding externally x 30mm frame  
 x 12mm standard plasterboard internally with R2 insulation in wall cavity.  
 10mm plasterboard ceiling fixed to ceiling joists with R2 insulation bats (min) in roof cavity.  
 Every corner to be 40mm solid core with full perimeter acoustics seals.

## N2 TIE-DOWN SCHEDULE

JOINT GROUP	JDS
ULW	6000 max.
ROOF SHEETING	SHEET METAL
TRUSS SPACING	600
BATTEN SPACING	900
Batten to Truss	As per manufacturers spec.
Truss to wall frame	One Framing Anchor, 4/2.8mm $\Phi$ Nails to each end
Plates to Studs (Single or upper storey)	30x0.8mm G.I.Strap with 4/2.8mm dia. nails each end @ 1200 ctrs. or/12 welded rods @1200 ctrs max.
Brim Plate to floor frame (Single or upper storey)	1/ M10 bolt $\Phi$ 1800 ctrs.
Plates to Studs (Lower storey of 2 storey)	2/75 x 3.05mm nails skewed through stud into plate
Brim Plate to Slab (Single or upper storey)	1/M10 bolt to ends of openings and at 1800 centres max.
Bottom plate to slab (Lower storey of 2 storey)	Nominal fixing- 1 75mm masonry nail, screw or bolt @ 1200 ctrs max.
Lintel to Jamb Stud	30x0.8mm G.I.Strap with 4/2.8mm dia.nails each end at 1200 ctrs

Refer AS 1684-2 Timber Framing Manual for more detail

## BRICK GALINTEL TABLE

SPAN NOT EXCEEDING	LINTEL SIZE
1.0m clear span	85x8mm Flat Bar
1.5m clear span	100x100x6 Angle
2.4m clear span	150x100x6 Angle
3.0m clear span	150x100x6 Angle
3.6m clear span	150x100x6 Angle
>3.6m clear span	Refer engineer details

TIE DOWN REQUIREMENTS SHOWN IN TABLE ARE CALCULATED ON MAXIMUM UPLIFT LOAD WIDTH. FRAME/TRUSS MANUFACTURERS SPECIFICATIONS WILL TAKE PRECEDENCE WHERE THEY DIFFER FROM TIE DOWN TABLE.

## TIMBER FRAMING SCHEDULE

RLW	6000 max.
ROOF PITCH	25° max.
Roof Battens	
SHEET METAL	Metal battens at 900 cfs.
Roof Trusses	Engineer designed and fixed at 600 cfs in accordance with manufacturers specifications
Links	MGPI2 u.n.o.
Verandah plates and posts etc.	
SINGLE OR UPPER STOREY	
EXTERNAL WALLS & INTERNAL LOAD BEARING WALLS	
MGF 10/12 (LOAD DEPENDANT)	
Top Plate	70x35 PLUS 70x35 Ribbon Plate
Studs	RLW Span up to 6000
	70x35 at 450 cfs
	70x35 @ 1350 cfs max.
Nogging	70x35 Continuously supported on slab
Brm Plate	
INTERNAL PARTITION WALLS	
MGPI0 SEASONED U.N.O.	
Top Plate	70x35
Studs	70x35 at 600 cfs
Nogging	70x35 @ 1350 cfs max.
Brm Plate	70x35
LOWER OF TWO STOREY	
EXTERNAL WALLS & INTERNAL LOAD BEARING WALLS	
MGF 12 U.N.O.	
Top Plate	35x70 PLUS 35x70 Ribbon Plate
Studs	70x35 at 450 cfs
Nogging	70x35 @ 1350 cfs max.
Brm Plate	35x70 Continuously supported on slab

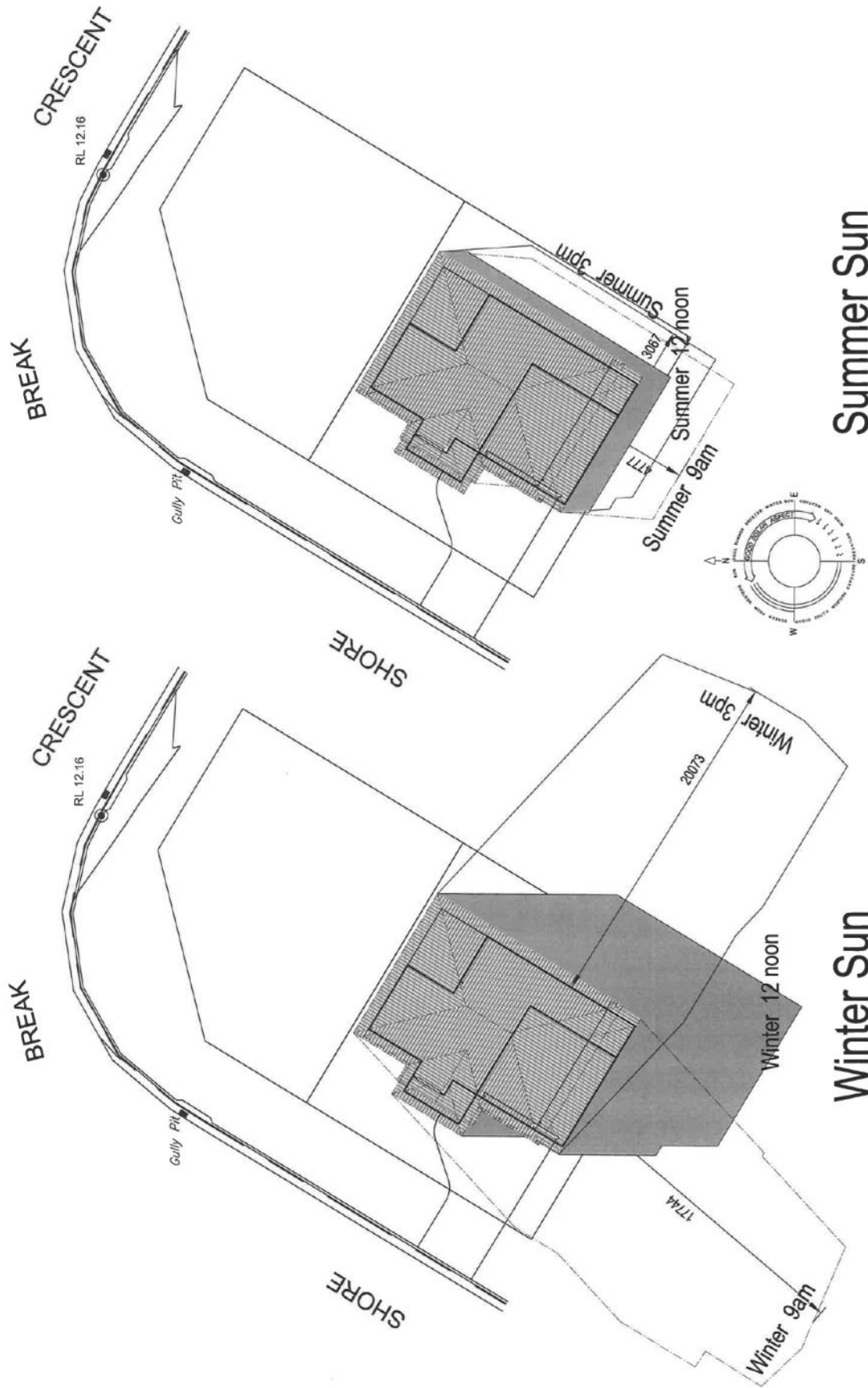
## STUDS AT SIDES OF OPENINGS

OPENING WIDTH	900	1200	1500	1800	2100	2400	2700	3000
No. OF STUDS REQUIRED	1	1	2	2	2	2	3	3

## PERMIT

**Date:** 20/5/19

					INITIAL	adenbrookhomes		HOUSE	TITLE
DATE	REVISION					206 LOGAN CT, WOOLLOONGABBA QLD 4152		MR WADE OWEN & MS SARAH LLEVORE	
01/06/16	K.B.				R.A.	LICENCE NO. 21599C		LOT 144, UNIT 2 SHORE BREAK CRESCENT	custom
18/03/17	TENDER 2 - PERMIT ISSUE				R.A.	WWW.ADENBROOKHOMES.COM.AU		LAKE CATHURIE, NSW 2445	5stm
20/05/19	PERMIT EDITS					This work is exclusively owned by AdB (AdB) for printing and cannot be reproduced, copied, re-used, altered or in part or any form (graphic, electronic or mechanical), including photocopying or within its written permission or publishing of any kind.		SALE OFFER	SCALE 1:100
								BY  CLERY	JOB NO. PM112
									MASTER ISSUE A - 19/12/13



DATE	REVISION	INITIAL	PROJECT	HOUSE	TITLE
01/08/19	TENDER 1	K.B.	MR WADE OWEN & SARAH LIEVORE	custom	shadow diagram
18/03/19	TENDER 2 - PERMIT ISSUE	R.A.	LOT 144, UNIT 2 SHORE BREAK CRESCENT	PLAN OPTION: Cstm	SCALE 1:200
20/05/19	PERMIT EDITS	R.A.	LAKE CATHIE, NDW 2445	HOUSE: custom	JOB NO: PM112
			WWW.ADENBROOKHOMES.COM.AU		/11

ADENBROOKHOMES  
 208 LOGAN RD, WOOLLOOMBA QLD 4570  
 PH (07) 308 9800  
 LICENCE NO: 201 9805  
 WWW.ADENBROOKHOMES.COM.AU  
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## NSW RURAL FIRE SERVICE

Port Macquarie-Hastings Council  
PO Box 84  
PORT MACQUARIE NSW 2444

Your reference: 2019/649  
Our reference: DA20191113000974-Original-1

**ATTENTION:** Benjamin Roberts

Date: Friday 14 February 2020

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – Subdivision – Torrens Title Subdivision**  
**4 Shore Break crescent LAKE CATHIE NSW 2445 AUS, 144//DP1230897**

I refer to your correspondence dated 29/10/2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

**General Conditions**

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Adenbrook Homes titled "Site Plan" and dated 20/5/19.

**Asset Protection Zones**

***The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:***

2. At the issue of a subdivision certificate, the entire site must be managed as an inner protection area (IPA). The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;

1

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

#### Construction Standards

***The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:***

3. The dwelling, to be constructed upon proposed lot 2 shall comply with either of the following approved construction outcome choices;

- Sections 3 (Construction General) and 5 (Construction for Bushfire Attack Level 12.5 i.e. BAL-12.5) of Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas', or
- The BAL-12.5 construction requirements of the 'NASH Standard - Steel Framed Construction in Bushfire Areas - 2014' (1.7.14 updated)

Compliance with section A3.7 of the Addendum Appendix 3 to 'Planning for Bush Fire Protection 2006' is also required to be achieved in concert with the above.

#### Water and Utility Services

***The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:***

4. Any alteration to the electricity supply network required to service the subdivision shall comply with either section 4.1.3 of 'Planning for Bush Fire Protection 2006' or the requirements of Essential Energy NSW.

5. In recognition that the proposed dwelling (proposed lot 2) may be connected to a gas supply, the following requirements are to be complied with:

- Reticulated or bottled gas is to be installed and maintained in accordance with the current Australian Standard AS/NZS 1596: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
- Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal.
- Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.

#### Landscaping Assessment

***The intent of measures is for landscaping. To achieve this, the following conditions shall apply:***

6. Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).





- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

For any queries regarding this correspondence, please contact Bradford Sellings on 1300 NSW RFS.

Yours sincerely,

Paul Creenaune  
**Team Leader, Dev. Assessment & Planning**  
**Planning and Environment Services**



## BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision  
4 Shore Break crescent LAKE CATHIE NSW 2445 AUS, 144//DP1230897  
RFS Reference: DA20191113000974-Original-1  
Your Reference: 2019/649

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Paul Creenaune**

Team Leader, Dev. Assessment & Planning  
Planning and Environment Services

Friday 14 February 2020