



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 30 September 2020

location: Via Skype

time: 2:00pm

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

Development Assessment Panel

CHARTER

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	10/06/20	24/06/20	08/07/20	22/07/20	12/08/20	26/08/20	09/09/20
Paul Drake	✓	✓	✓	✓	✓	✓	✓
Robert Hussey				✓		✓	✓
David Crofts (alternate member)	✓	✓	✓		✓		
Dan Croft (Group Manager Development Assessment) (alternates) - Development Assessment Planner	✓	✓	✓	✓	✓	✓	✓ ¹

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 30 September 2020

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>8</u>
02	Apologies.....	<u>8</u>
03	Confirmation of Minutes	<u>8</u>
04	Disclosures of Interest.....	<u>12</u>
05	DA2020-614.1 Dwelling and Carport at Lot 11, DP 22571, No. 37 Bell Street, Dunbogan	<u>16</u>
06	General Business	

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 9 September 2020 be confirmed.

PRESENT

Members:

Paul Drake (Independent Chair)
Robert Hussey (Independent Member)
Group Manager Development Assessment (Dan Croft)

Other Attendees:

Mayor Peta Pinson
Development Assessment Planner (Steven Ford)
Development Assessment Planning Coordinator (Patrick Galbraith-Robertson)
Acting Development Engineer Coordinator (Grant Burge)

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

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

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

**05 DA2020 - 252.1 MULTI DWELLING HOUSING WITH TORRENS AND STRATA
TITLE SUBDIVISION AT LOT 7 DP 758603, NO. 53 NORMAN STREET
LAURIETON**

Rob Beukers (applicant)

THE PANEL WAS UNABLE TO REACH CONSENSUS

MOVED: Paul Drake

That DA2020 - 252.1 for a Multi Dwelling Housing with Torrens and Strata Title Subdivision at Lot 7, DP 14, No. 53 Norman Street, Laurieton, be refused for the following reasons:

1. The proposal does not comply with the Port Macquarie-Hastings Development Control Plan 2013, in particular:
 - a) Clause 3.2.2.4, the 4m rear boundary setback is not complied with.
 - b) Clause 2.5.3.3, insufficient car parking is provided given that the proposed lounge room within each dwelling has a similar size to a bedroom and could be converted to a 3rd bedroom.
 - c) Clause 3.2.2.6, the 35m² private open space requirement is compromised by rainwater tanks, clothes lines and garbage bins.
2. The proposal is contrary to the public interest as it does not comply with the DCP and it is in the public interest to maintain the integrity of the DCP.
3. The application has failed to adequately address the potential retention of the eucalypt tree fronting Norman St.

FOR: Paul Drake and Robert Hussey
AGAINST: Dan Croft

DISSENTING RECOMMENDATION FROM DAN CROFT:

That DA2020 - 252.1 for a Multi Dwelling Housing with Torrens and Strata Title Subdivision at Lot 7, DP 14, No. 53 Norman Street, Laurieton, be determined by granting consent subject to the recommended conditions.

**06 DA2017 - 736.4 MODIFICATION TO MANUFACTURED HOME ESTATE AND
SUBDIVISION - 79 BATAR CREEK ROAD, KENDALL**

Sean Gleeson (opposing the application)
Millicent Jones (opposing the application)
Donna Clarke (applicant)
Michael Hay (applicant)
Claire Mathieson (applicant)
Kevin Figueroa (applicant)

CONSENSUS:

That DA2017 - 736.4 for a modification to manufactured home estate and subdivision at Lot 23, DP 112083, Lot 1 DP 1142845, Lot 1 DP 12219 and Lot 7 DP1262691, No. 79 Batar Creek Road, Kendall, be determined by granting consent subject to the recommended modified conditions and as amended below:

- Amend condition G(11) to read: Prepare a MHE Showground Community Engagement Plan to minimise risk of complaints from MHE residents about ongoing showground events and activities. This plan is to be reviewed a minimum every 2 years. This plan is to be developed and subsequently reviewed in consultation with the Showground Executive and the MHE's on-site manager. Each review is to include consideration of providing a resident on-site manager. A copy of this plan is to be provided to both the Showground Executive and the MHE Site Manager.

07 GENERAL BUSINESS

Nil.

The meeting closed at 3:30pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

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.

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

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

Councillor's Signature: **Date:**

This form is to be retained by the council's 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.

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

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

Item: 05

Subject: DA2020-614.1 DWELLING AND CARPORT AT LOT 11, DP 22571, NO. 37 BELL STREET, DUNBOGAN

Report Author: Development Assessment Planner, Robert Slater

Applicant: R Holland

Owner: A. McRae

Estimated Cost: \$544,000

Parcel no: 1741

Alignment with Delivery Program

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

RECOMMENDATION

That DA2020-614.1 for the construction of a Dwelling and Carport at Lot 11, DP 22571, No. 37 Bell Street Dunbogan be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a Dwelling and Carport at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one (1) submission was received.

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

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

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 733.5m².

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- An elevated dwelling and carport beneath.

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

Application Chronology

- 3 August 2020 - Application lodged
- 7 August 2020 - Development Notified
- 25 August 2020 - Submission received
- 28 August 2020 - Site Inspection
- 1 September 2020 - Additional information request
- 1 September 2020 - Amended Plans received (covered court deleted)

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 (Koala Habitat Protection) 2019

Clause 5 - This SEPP applies to the Port Macquarie-Hastings Local Government Area.

Clause 10 - The site isn't identified on the Koala Development Application Map or under a Koala Plan of Management and the land has an area less than 1 hectare including adjoining land in the same ownership. The SEPP does not prevent the granting of consent on the land being less than 1 hectare in area. The application has also demonstrated that no habitat will be removed or modified therefore no further investigations are required.

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy (Coastal Management) 2018

The site is located within both a coastal use and environment area and is also situated in proximity to coastal wetlands.

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

Having regard to clause 11 of the SEPP and clause 5.5 of the Port Macquarie-Hastings LEP 2011 the proposed development is on land identified as "proximity area" for coastal wetlands. The proposed residential development is not considered likely to result in any of the following:

- (a)** Any adverse impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b)** Any adverse impact on the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The proposed on-site stormwater management measures are considered to be adequate to direct roof and surface waters from the site to the Bell street stormwater infrastructure.

Having regard to clauses 13 and 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 is not likely to 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 a vacant dwelling site and located within an area zoned for residential purposes.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

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

Clause 2.2 - The subject site is zoned R1 General Residential.

Clause 2.3(1) and the R1 zone landuse table - The dwelling is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

Clause 2.3(2) - The proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality. The proposal contributes to the range of housing options in the locality.

Clause 4.3 - The maximum overall height of the building above ground level (existing) is 7.8m which complies with the standard height limit of 8.5m applying to the site.

Clause 4.4 - The floor space ratio of the proposal is 0.25:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.

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

Clause 7.1 - The subject land is shown as being Class 3 land on the acid sulphate soils map. Development consent is required for the carrying out of any works on the subject land being works more than 1 metre below the natural ground surface or works by which the water table is likely to be lowered more than 1 metre below the natural ground surface. The proposed development includes the construction of a new elevated dwelling and a carport slab beneath the dwelling.

The proposed works are considered to be minor works in accordance with Council's "Acid Sulphate Soil Management Plan for Minor Works". No adverse impacts are expected to occur to the acid sulphate soils found on site.

Clause 7.3 - The site is land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard) In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council's Flood Policy 2015, the NSW Government's *Flood Prone Lands Policy* and the NSW Government's *Floodplain Development Manual* (2005):

- The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
- The proposal will not result in a significant adverse effect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
- The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;
- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and
- The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The site is mapped within the flood planning area and is therefore subject to Port Macquarie- Hastings Council Flood Policy September 2015. The site has a Hydraulic Category of Flood Storage over the site according to Council's flood study and mapping data. The Flood Storage category refers to areas which are part of the 'Floodplain that are important for the temporary storage of floodwater during the passage of a flood'.

The site has a Flood Hazard Category of High according to Council's flood study and mapping data.

Flood Planning Levels (FPL) for the site

FPL 1 (20 year ARI Flood Level, No Allowance for climate change, no freeboard)	2.12m AHD FPL 2 (100 year
FPL 2 (100 year ARI Flood Level +Climate Change Allowance, no freeboard)	3.59m AHD
FPL 3 (100 year ARI Flood Level + Climate Change Allowance+ 0.5m freeboard)	4.09m AHD

The proposed residence is classified as infill development and is permissible in the Dunbogan Precinct and the Flood Storage Hydraulic Category located on the site. Details of compliance with Part 5.9 of Port Macquarie- Hastings Council Flood Policy September 2015 are set out below:

Floor Levels- The proposed finished floor level to all habitable areas is 4.36m AHD which is greater than the required 4.09m AHD (FPL 3).

Flood Proofing- Flood Proofing measures are to be applied to all aspects of the proposed residence up to 4.09m AHD (FPL 3) in accordance with Part 9 of the Port Macquarie- Hastings Council Flood Policy and as detailed below:

- a) Flood Compatible materials are to be used for all new work below 4.09m AHD (FPL 3) as listed in the Australian Building Codes Board (ABCB): Construction of Buildings in Flood Hazard Areas.
- b) New work is to be certified by a qualified and practising Structural Engineer in accordance with Part 9 of the Port Macquarie- Hastings Council Flood Policy.
- c) All filling to be Engineered Fill. Compacted to prevent any erosion or scouring during a flood event. Fill must be compacted to a minimum of 95% Standard Maximum Dry Density (SMDD) or higher if specified for foundation conditions or other structural purpose. Refer to part 9 of the 'Port Macquarie- Hastings Council Flood Policy for further detail.
- d) The proposed residence has been designed to permit flood water in excess of the 20 year ARI to pass beneath or through the building in accordance with Australian Building Codes Board (ABCB): Construction of Buildings in Flood Hazard Areas.
- e) Any new meter box for the proposed residence will be located above 3.59m AHD (FPL 2) and to the relevant electricity authority requirements.
- f) The Rainwater tank will be securely fastened to Structural Engineer's details in accordance with the Port Macquarie- Hastings Council Flood Policy.

Flood Impact on Other Properties- The proposed residence does not include any cut or fill and has been designed to permit flood flows beneath the building. It will therefore have no significant impact on the pattern of Flood Flows and Flood Levels.

Site Access and Flood Evacuation- There are two possible routes for Site Access and Flood Evacuation. The first is west along Bell Street to The Boulevard then south to the intersection with Diamond Head Road.

The second is east along Bell Street and Camden Head Road to Scarborough Way. Then south along Scarborough Way to the recently completed raised access 'Tip Road' which joins The Boulevard near Diamond Head Road.

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 proposed instrument that is or has been placed on exhibition

No draft instruments apply to the site.

(iii) Any DCP in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24-degree max. roof pitch • Not located in front setback 	Water tank is appropriately located (beneath the dwelling). The carport is situated beneath the proposed dwelling and is not located in the front setback and is therefore compliant with the ancillary development requirements.	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	The dwelling contains a front verandah and associated stairs within the articulation zone. The verandah does not exceed 25% of the articulation zone and is still setback over 3m.	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road • Min. 3.0m secondary road • Min. 2.0m Laneway 	The specified front building line setback is 6.012m and therefore compliant with the minimum 4.5m front setback requirements.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	The specified setback of the carport door is approximately 6.0m and therefore compliant with the minimum front setback requirements. Garage door recessed behind the front verandah and stairs.	Yes
	6m max. width of garage door/s and 50% max. width of building	The specified width of carport door is 3.18m which equates to 31% of the building width and therefore compliant with the maximum door width requirements	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	The specified width of the driveway crossing is 4.0m and therefore compliant with the maximum width requirements	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The specified rear setback from the dwelling to the norther boundary is 11.083m and is therefore compliant with the rear boundary setback requirements.	Yes
3.2.2.5	Side setbacks: • Ground floor = min. 0.9m	The minimum side boundary setbacks are specified below: East: 1.5m West: 4.617m	Yes Yes
	• First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.	The minimum first floor side boundary setbacks are specified below: East: 930mm West: 4.6m - compliant. The proposed dwelling is an elevated dwelling due to flood construction requirements and utilises a light-weight construction for the upper level and a non-habitable ground floor area. The external wall on the eastern elevation of the proposed dwelling has achieved compliant wall	No Yes

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

	Requirements	Proposed	Complies
		<p>articulation by incorporating a section of wall which steps out under the eave and is approximately 3.2m in length. The remainder of the first floor wall has a side boundary setback of 1.53m.</p> <p>To support the first floor, wall setback variation from the numerical standard of 3.0m to a minimum side boundary setback of 930mm to the eastern boundary a shadow diagram was submitted which demonstrates that the primary living areas and primary private open space areas of the adjoining property to the east of the proposed building is not adversely overshadowed for more than 3hrs between 9am-3pm on 21 June.</p> <p>Additionally, the internal building design incorporates design elements to minimise the potential for loss of privacy to the adjoining neighbour. The design elements include minimising windows on the eastern elevation and limiting living areas that face adjoining living areas and private open space areas of adjoining properties through the siting of the dwelling and internal layout design.</p> <p>Additionally, the first floor verandah is provided with privacy screens at the eastern and western ends of the verandah.</p> <p>Based on the above assessment the applicant has demonstrated that the proposed 930mm first floor side boundary setback to the eastern boundary satisfies the intent of the objectives and the</p>	

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

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> • Building wall set in and out every 12m by 0.5m 	<p>relevant development provisions. Therefore, the 930mm side boundary setback is supported.</p> <p>The building wall articulation is compliant and therefore addresses the intent of the objective and relevant development provisions relating to building bulk and scale.</p>	Yes



Driveway of existing residence to the east



Driveway of existing residence to the west

3.2.2.6	35m2 min. private open space area including a useable 4x4m min. area which has 5% max. grade	The dwelling contains an area >35m ² of open space in one area including a useable 4m x 4m space.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances 	No front fences proposed.	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences		N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> • 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 i.e. 	The proposed first floor covered verandah at its outer most point (OMP) is specified as being 11.083m from the northern (rear) boundary and 12.49m from the southern wall of the nearest shed situated on the property immediately to the north of the development site.	Yes

	<p>1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</p> <ul style="list-style-type: none"> • 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 	<p>The roofed verandah is specified as being 3.6m wide. Therefore, the external wall on the northern elevation of the proposed dwelling has a compliant rear boundary setback of 14.4m.</p> <p>To take advantage of the sites north-east aspect and the prevailing summer breezes the primary living areas are naturally situated to the rear of the proposed dwelling.</p> <p>It was noted at the site inspection that the adjoining buildings situated to the east and west of the proposed development are two storeys and have first floor verandahs with their living areas orientated to the north.</p> <p>It was also noted at the site inspection that the adjoining residence to the north is single storey with two sheds in the backyard. One of the sheds is situated adjacent to the rear (N) boundary and adjacent to the shed is a dense stand of mature palm trees up to at least 3m in height which in conjunction with the shed provide screening to the property's private open space area.</p> <p>Responding to privacy concerns raised by the neighbour immediately adjoining the northern boundary the applicant submitted a revised site plan specifying the inclusion of native screen planting to 4.0m high along the length of the northern boundary.</p> <p>Privacy screens are specified at the eastern and western ends of the first floor verandah.</p> <p>Therefore, based on the above assessment the</p>	
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		<p>application has demonstrated that no 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.</p> <p>The intent of the privacy objective and the relevant development provisions have therefore been satisfied.</p> <p>Further, the proposed development is not expected cumulatively amount to an adverse impact or a significance that would justify refusal of the application. No additional privacy screens are recommended.</p>	
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Existing sheds and landscaping

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace	Refer to main body of report.	

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	protection, Noise and Stormwater		
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	1 or capacity for more than 1 parking space behind the building line has been provided for.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway proposed	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 grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	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

(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

None prescribed.

(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 proposal is for the construction of a 3-bedroom elevated clad framed dwelling with covered first floor verandah under the main roof. The ground floor of the proposed building provides for the provision of undercover car parking and the siting of the water tank.

The development site is located in Lot 11 DP 22571, 37 Bell Street Dunbogan and is zoned R1 General Residential. The proposed development is permissible in the zone with consent.

The site is currently a vacant dwelling site and is 733.5m² in area.

The existing vacant lot is relatively flat and has no significant topographical fall in any direction. The substrate is free draining sand which allow for surface water to dissipate into the ground. The roof water for the proposed building will be collected and directed via stormwater pipes to the existing stormwater pit located in the Bell Street road reserve.

Council's records indicate that there is an existing sewer main that runs across the rear boundary of the site with a sewer junction positioned in the north-west corner of the site. The legal point of discharge for stormwater is to the Bell Street frontage (table drain).

The proposed new building has a compliant front building line setback of 6.0m to Bell Street. The proposed development has a total site coverage of 49% and a compliant FSR of 0.25:1.

The proposed development is not expected to have any significant adverse impacts on existing adjoining properties and satisfactorily addresses the public domain.

The bulk, scale and size of the proposed development is considered to be compatible with other residential development located within an area zoned for residential purposes and adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

Shadow diagrams demonstrate that there are no significant 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.

During the assessment of the proposed development the applicant submitted revised design drawings deleting the proposed covered court structure that was to be situated to the rear of the property. The revised plans also specify the inclusion of landscaping along the length of the northern boundary in response to a submission received by Council in relation to privacy and drainage concerns.

Access, Traffic and Transport

The proposal will not have any significant adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Water Supply Connection

Service available – details required with S.68 application. An appropriate standard condition is recommended.

Sewer Connection

Service available – details required with S.68 application. An appropriate standard condition is recommended.

Stormwater

Service available – details required with S.68 application. An appropriate standard condition is recommended.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

This site does not contain or adjoin any known heritage item or site of significance. The site is considered to be disturbed land.

Other land resources

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

Watercycle

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

Soils

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

Air and microclimate

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

Flora and fauna

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

Waste

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

The construction 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.

Bushfire

The site is identified as being bushfire prone. An 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 shall be required.

Management of bushfire risk is acceptable subject to BAL 12.5 construction levels being implemented and APZ being maintained. An appropriate condition is recommended.

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. The site constraints of bushfire and flooding have been adequately addressed and appropriate conditions of consent recommended.

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

Following exhibition of the application in accordance with DCP 2013, one submission was received. Key issues raised in the submission received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
<p>Appropriate drainage systems to catch surface water to avoid water overflow onto No.36 Camden Head Road.</p>	<p>The existing vacant lot is relatively flat and has no significant topographical fall in any direction. The substrate is free draining sand which will allow for surface water to dissipate into the ground. The roof water for the proposed building will be collected and directed via stormwater pipes to the existing stormwater pit located in the Bell Street road reserve. It is a requirement of the proposed development to submit a Section 68 application which will be assessed for compliance with the relevant plumbing and drainage standards.</p>
<p>All the living areas and deck are on the northern side of the proposed premises. This would overlook the rear yard of No.36 Camden Head Road and impinge on our privacy.</p>	<p>The proposed first floor covered verandah at its outer most point (OMP) is specified as being 11.083m from the northern (rear) boundary and 12.49m from the southern wall of the nearest shed situated on the property immediately to the north of the development site.</p> <p>The roofed verandah is specified as 3.6m wide. Therefore, the first floor external wall on the northern elevation of the proposed building has a rear boundary setback of 14.63m and 14.2m from the north-east and north-west corners of the first floor external wall respectively.</p> <p>To take advantage of the sites north-east aspect and the prevailing summer breezes the primary living areas of the proposed dwelling are situated to the rear of the proposed dwelling.</p> <p>It was noted at the site inspection that the adjoining buildings situated to the east and west of the proposed development are two storey and have first floor verandahs with their living areas orientated to the north.</p> <p>It was also noted at the site inspection that the adjoining residence to the north is single storey with two sheds in the backyard area. One of the sheds is situated adjacent to the rear boundary and situated on the western side of the shed is a dense planting of mature palm trees up to 3m in height which in combination with the shed provide</p>

Submission Issue/Summary	Planning Comment/Response
	<p>screening to the property's private open space area.</p> <p>In response to the privacy concerns raised by the neighbour at 36 Camden Head Road a revised site plan was submitted specifying the inclusion of native screening plants up to 4.0m high along the length of the northern boundary.</p> <p>Privacy screens are specified at the eastern and western ends of the first floor verandah.</p> <p>Therefore, based on the above assessment the application has demonstrated that there are no 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.</p> <p>The intent of the privacy objective and the relevant development provisions have therefore been satisfied.</p> <p>Further the proposed development is not expected cumulatively amount to an adverse impact or a significance that would justify refusal of the application. No additional privacy screens are recommended.</p>

(e) The Public Interest

The proposed development will be in the wider public interest with provision of appropriate additional housing. The proposed development satisfies relevant planning controls and will not have any significant adverse impacts on the wider public interest.

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

Climate change

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Development contributions will not be required under S64/S7.11 for the following reasons:

The proposed development does not involve the creation of an additional residential component.









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.   DA2020 - 614.1 Recommended DA Conditions
2.   DA 2020 - 614.1 Revised Plans
3.   DA 2020 - 614.1 Shadow Diagrams
4.   DA2020 - 614.1 SOEE

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/614****DATE: 21/09/2020****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
Revised Plans & Specifications	19/070 Sheets 1-13	Davey Watt & Associates	01/09/2020
Basix Certificate	1083735S	Davey Watt & Associates	30/07/2020
Bushfire Protection Assessment	LOT: 11 DP: 22571, 37 Bell Street DUNBOGAN	Davey Watt & Associates	23/07/2020
SoEE	LOT: 11 DP: 22571, 37 Bell Street DUNBOGAN	Davey Watt & Associates	23/07/2020
Shadow Diagrams	LOT: 11 DP: 22571, 37 Bell Street DUNBOGAN	Davey Watt & Associates	27/08/2020

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) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;

2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

B – PRIOR TO ISSUE OF A CONSTRUCTION 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:

- i. Footway and gutter crossing
 - ii. Functional vehicular access
- (3) (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING WORK

Nil

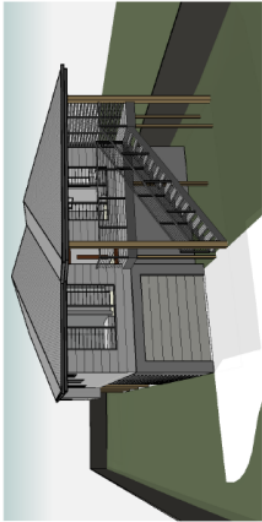
E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (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.
- (2) (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.
- (3) (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.
- (4) (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.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.

**PROPOSED RESIDENCE
AT LOT 11 D.P. 22571
No.37 BELL STREET
DUNBOGAN. FOR
A. McRAE**

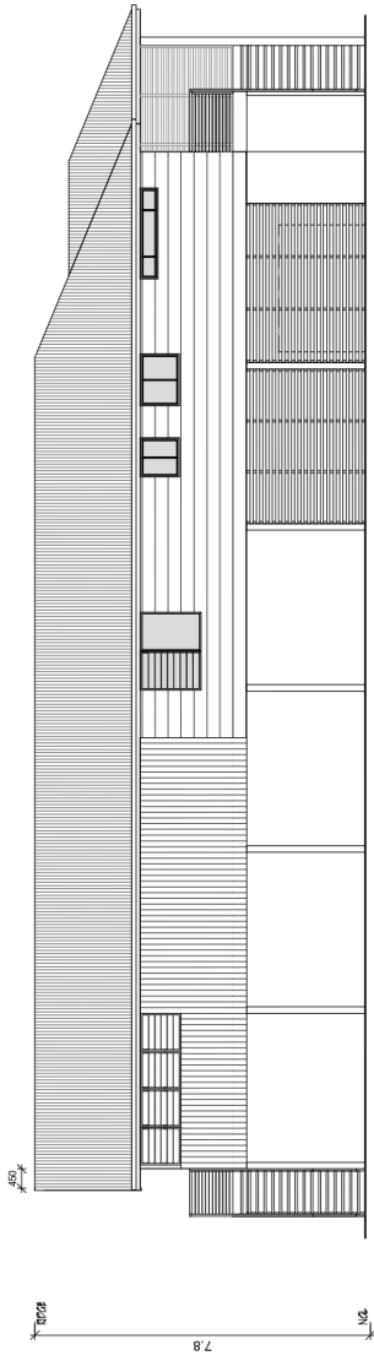


D+W

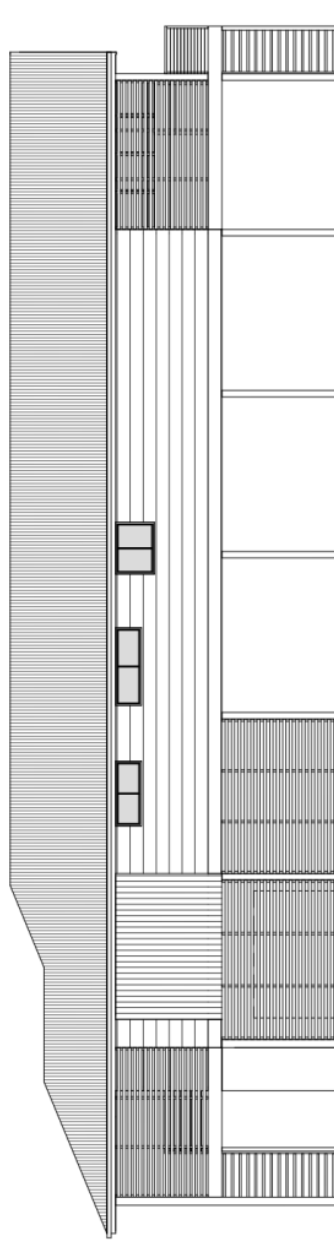
Davy Watt & Associates
1 Bonny Ridge
Bonny Hills NSW 2445
02 65 855 455
design@davywatt.com
www.davywatt.com
Building Designers Association of Australia
Membership No. 076 Accreditation No. 6113

REFERENCE NO.	19/070
DATE	30-7-2020
NUMBER OF SHEETS	13
DRAWN BY	CPW BMD
SCALE	DA & CC
REVISED	1-9-2020





C WEST ELEVATION ratio 1 : 100



D EAST ELEVATION ratio 1 : 100





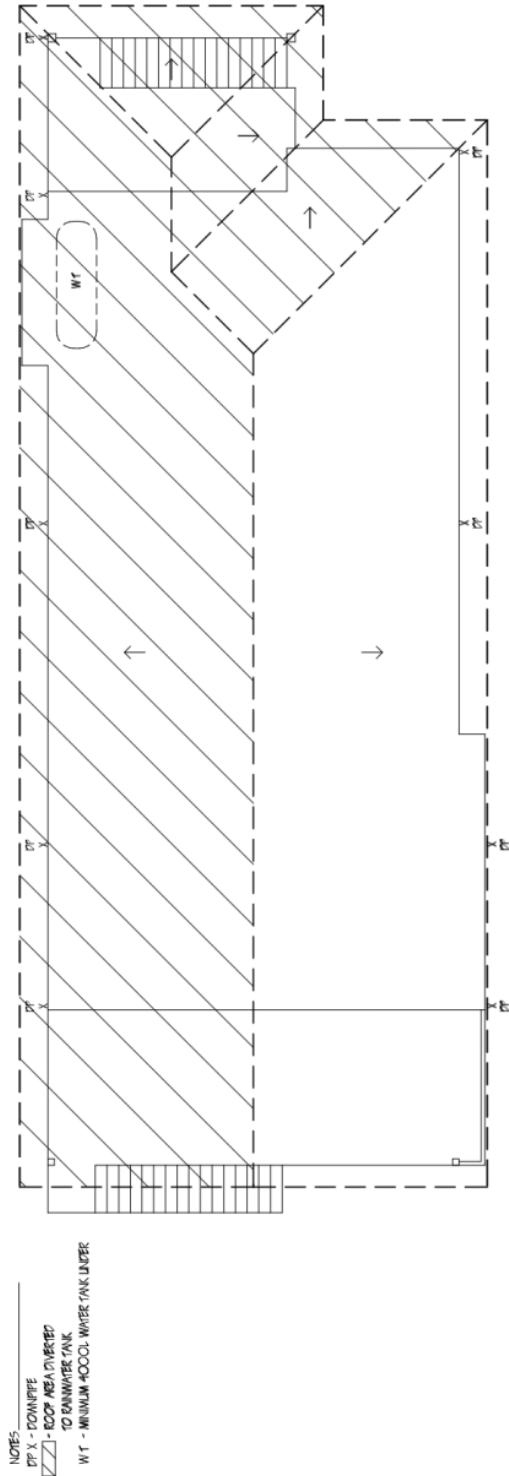
SUMMARY OF MINIMUM BASIC COMMITMENTS

SEE TASK CERTIFICATE FOR FULL DEFINITIONS AND DETAILS

LANDSCAPING COMMITMENTS	
TOTAL AREA OF VEGETATION	1505.0 sq.m
WATER COMMITMENTS	
RATING OF ALL INSTALLED SHOWER HEADS	5 STAR (6-7 SL./MIN)
RATING OF ALL INSTALLED TOILET FILLING SYSTEMS	4 STAR
RATING OF INSTALLED KITCHEN TAP FIXTURES	5 STAR
RATING OF ALL INSTALLED BATHROOM TAP FIXTURES	5 STAR
ALTERNATIVE WATER COMMITMENTS	
MINIMUM BATHWATER TANK CAPACITY	4000 L
MINIMUM AREA OF ROOF DRAINING TO BATHWATER TANK	170.7 sq.m
CONNECT BATHWATER TANK TO:	
ALL TOILETS IN THE DEVELOPMENT	
THE COLD WATER TAP THAT SUPPLIES EACH CLOTHES WASHER IN THE DEVELOPMENT	
AT LEAST ONE OUTDOOR TAP	
THERMAL COMFORT COMMITMENTS	
INSULATION REQUIREMENTS:	
FLOOR	MINIMUM R0.6 (OR R5 INCLUDING CONSTRUCTION) (DOWN)
EXTERNAL FRAMED WALLS	MINIMUM R2.0 (OR R2.4 INCLUDING CONSTRUCTION)
CEILING - FLAT CEILING PITCHED ROOF	MINIMUM R2.0 (UP)
CEILING - RAISED CEILING PITCHED ROOF	MINIMUM R2.4 (UP)
ANTICORN (55mm) TO ROOF	

ENERGY COMMITMENTS	
HOT WATER SYSTEM	GAS INSTANTANEOUS MINIMUM 5 STAR
ACTIVE COOLING SYSTEM TO:	
AT LEAST ONE LIVING AREAS	1 PHASE AIR CONDITIONING MINIMUM 4.0 STAR
AT LEAST ONE BEDROOM AREA	1 PHASE AIR CONDITIONING MINIMUM 4.0 STAR
THE COOLING SYSTEM TO PROVIDE FOR DAY / NIGHT ZONING BETWEEN LIVING & BEDROOM AREAS	
ACTIVE HEATING SYSTEM TO:	1 PHASE AIR CONDITIONING MINIMUM 4.0 STAR
AT LEAST ONE LIVING AREAS	1 PHASE AIR CONDITIONING MINIMUM 4.0 STAR
AT LEAST ONE BEDROOM AREA	1 PHASE AIR CONDITIONING MINIMUM 4.0 STAR
THE HEATING SYSTEM TO PROVIDE FOR DAY / NIGHT ZONING BETWEEN LIVING & BEDROOM AREAS	
VENTILATION TO:	
AT LEAST ONE PATIO/ROOM	INDIVIDUAL FAN DUCTED TO PACKAGE OR ROOF MANUAL SWITCH ON / OFF
KITCHEN	INDIVIDUAL FAN DUCTED TO PACKAGE OR ROOF MANUAL SWITCH ON / OFF
LAUNDRY	NO MECHANICAL VENTILATION
ALL EXHAUST FANS TO BE FITTED WITH DAMPERS COMPLYING WITH ICC	

ARTIFICIAL LIGHTING	
AT LEAST 3 OF THE BEDROOMS / STUDY	PREDICATED
AT LEAST 2 OF THE LIVING / DINING ROOMS	PREDICATED
THE KITCHEN	PREDICATED
ALL BATHROOMS / TOILETS	PREDICATED
THE LAUNDRY	PREDICATED
ALL HALLWAYS	PREDICATED
COOLING REQUIREMENTS	
CLOTHES LINE	GAS COOKTOP & ELECTRIC OVEN FIXED OUTDOOR CLOTHES DRYING LINE & FIXED INDOOR OR SHEDDED CLOTHES DRYING LINE



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DAVE WATT & ASSOCIATES

ROOF LAYOUT PLAN ratio 1:100
MURAE, LOT 11 BELL STREET, DUNBOGAN

WIND CLASSIFICATION	A
GEOREPHE BEACON	2
TERMINAL CATEGORY	10
TOPOGRAPHIC CLASSIFICATION	PS
SHELDING CLASSIFICATION	N 2

BRACING
LOWER FLOOR BRACING TO ENGINEER'S
SPECIFICATION

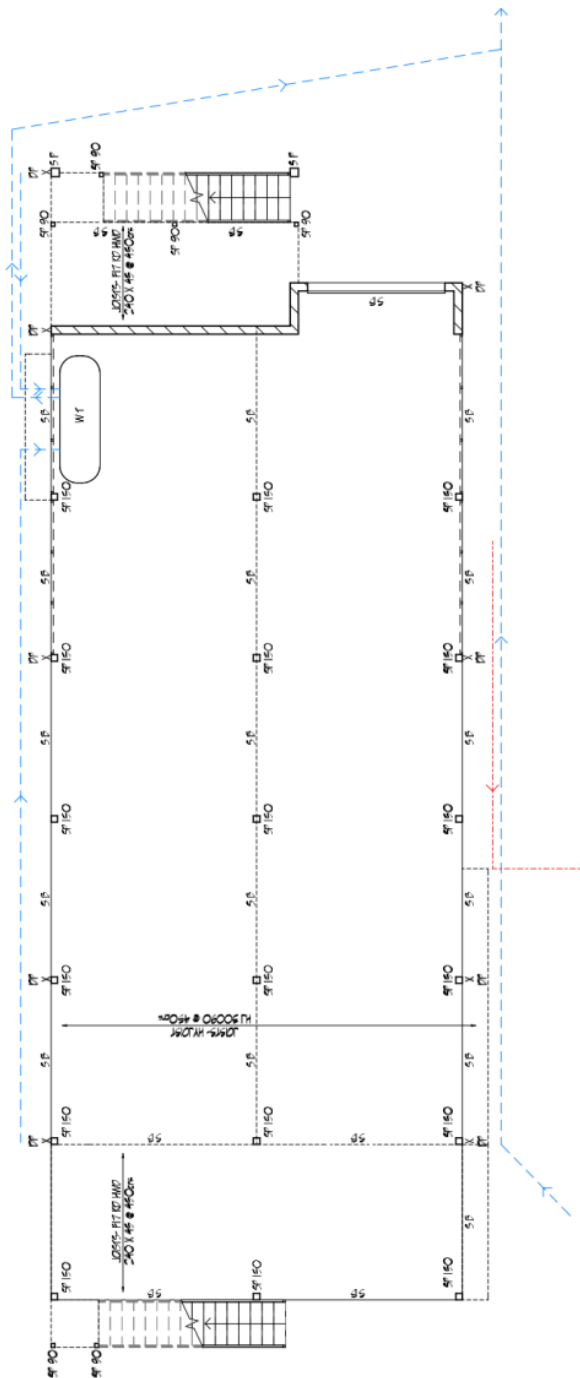
FRAMING DETAIL
TIMBER FRAME TO AS 1684.2
LIMBS WITH CONCENTRATED LOAD TO BE
INCREASED TO TEES MANUFACTURER'S
SPECIFICATION AND AS 1684.2

THE DOWN
PIN THE DOWN TO RESIST UPLIFT AND SHEAR
FORCES IN FLOOR FRAMING. WALL FRAMING
AND FOOT FRAMING TO AS 1684.2 FOR
NC WIND CLASSIFICATION

BRACING
ALL BRACING WALLS TO BE FIXED TOP AND
BOTTOM WITH STRUCTURAL CONNECTIONS
OF EQUIVALENT SHEAR CAPACITY TO THAT
PARTICULAR BRACING WALL. TO AS 1684.2

NOTES
SP - SELECTED DEAN. STEEL BEAM
OR LAMINATED TIMBER BEAM
TO ENGINEER'S SPECIFICATION
SP 90 - 90 X 90 STEEL POST TO ENGINEER'S
SPECIFICATION
SP 150 - 150 X 150 STEEL POST TO ENGINEER'S
SPECIFICATION
SP - 150 X 150 STEEL POST TO ENGINEER'S
SPECIFICATION WITH HARDWOOD TIMBER
FACING

PLUMBING DETAIL
SEWER DRAINAGE LINE (100 DIA)
STORM WATER DRAINAGE LINE (MIN 100 DIA)
W.T. - MINIMUM 1000L WATER TANK



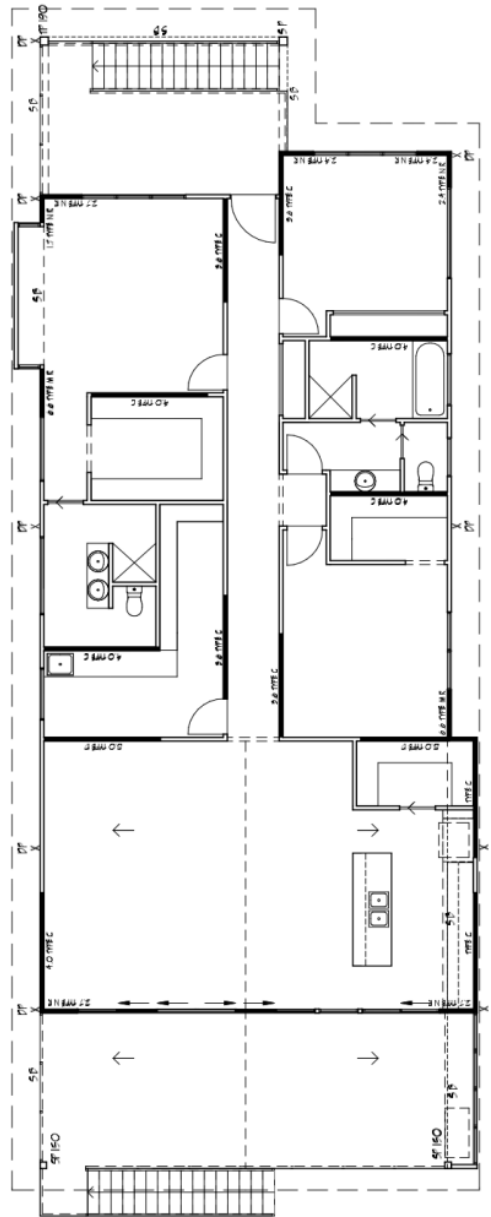
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DAVE WATT & ASSOCIATES

____ LOWER FLOOR FRAMING, BRACING AND PLUMBING LAYOUT PLAN ratio 1:100
MURRAY, LOT 11 BELL STREET, DUNBOGAN

REVISED 1-9-2020
PAGE 6

WIND CLASSIFICATION	A
GEOGRAPHIC REGION	C
TERMIN CATEGORY	2
TOPOGRAPHIC CLASSIFICATION	P 5
SHEETING CLASSIFICATION	N 2
WIND CLASSIFICATION	N 2

PACKING TYPES
NOMINAL PACKING - FLANGE/ROOF WALLS
TYPE C - METAL ANGLE POLE 1.5 N/M
(SEE AS 1694 - 2 - ANGLE B) 1
TYPE D - DOUBLE METAL STRIP POLE 5.0 N/M
(SEE AS 1694 - 2 - ANGLE B) 1
TYPE M - HORIZONTAL TYPE P - 6.0 N/M
(SEE AS 1694 - 2 - ANGLE B) 1
TYPE N - HORIZONTAL TYPE D - 5.4 N/M
(SEE AS 1694 - 2 - ANGLE B) 1
R - RESERVED INTO FRAME



DIRECTION \rightarrow
A

FRAMING DETAIL		
(IMPER PERMITS TO AS 1654.2.)		
BOTTOM PLATE -	EXTERNAL	INTERVAL
SILL-PLATE-	45 X 90	45 X 90
NODDINGS-	45 X 90	45 X 90
	90 X 95 @ 45Ocs	90 X 95 @ 45Ocs
	90 X 95 CENTRE ROW	90 X 95 CENTRE ROW
	(NODDINGS MAXIMUM 95Ocs)	(NODDINGS MAXIMUM 95Ocs)

(727)

LINELINE SHEET (DOOR) -
ROOT LONG W/TH UP TO 4600
SPANS UP TO 9000 / 180 X 56
SPANS OVER 9000 - 5" X
ROOT LONG W/TH UP TO 4600
SPANS UP TO 9000 / 180 X 56
SPANS OVER 9000 - 5" X
ROOT LONG W/TH UP TO 7600
SPANS UP TO 7600 / 180 X 56
SPANS OVER 9000 - 5" X
ROOT LONG W/TH UP TO 7600
SPANS UP TO 7600 / 180 X 56
SPANS OVER 9000 - 5" X
LINELINE WITH CONCRETE ROOT TO BE
INCREASED TO TEELS MANUFACTURE'S
SPECIFICATION AND AS 1624 -
TOP PLATE WITH TEELS RATTLE LOW
NOT DIRECTLY OVER A SINGLE OR WHIN
TOWN OF 50' TO BE INCREASED
WITH SLOPE NOOKING

THE DOWN
FIX THE DOWN TO RESIST UPLIFT AND SHEAR
FORCES IN FLOOR FRAMING. WALL FRAMING
AND ROOF FRAMING TO AS 1684.2 FOR
N2 WIND CLASSIFICATION

BRACING
ALL BRACING WALLS TO BE FINED TOP AND
BOTTOM WITH STRUCTURAL CONNECTIONS
OF EQUIVALENT SHEAR CAPACITY TO THAT
PARTICULAR BRACING WALL. TO AS 1684.2

NOTES _____
S.D. - SELECTED BEAM: STEEL BEAM
OR LAMINATED TIMBER BEAM

TO ENGINEER'S SPECIFICATION
190 - 190 X 190 HARDWOOD TIMBER POST
150 - 150 X 150 STEEL POST TO ENGINEER'S SPECIFICATION

SP - 150 X 150 STEEL POST TO ENGINEER'S SPECIFICATION WITH HARDWOOD TIMBER FACING

FLUISING DETAIL —
DP X - DOWNPIPE

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Davy Watt & Associates

Item 05
Attachment 2
Page 46

UPPER FLOOR FRAMING, BRACING AND PLUMBING LAYOUT PLAN ratio 1:100
MCPAE, LOT 11 BELL STREET, DUNDUGAN

FLOOD PROOFING MEASURES

FLOOD PROOFING MEASURES ARE TO BE APPLIED TO ALL ASPECTS OF THE PROGRAM DEVELOPMENT UP TO A DRAINAGE (PLOT 5) IN ACCORDANCE WITH PART 9 OF THE "FLOOD MANAGEMENT - HAZARDOUS COUNCIL FLOOD POLICY" AS SUMMARIZED BELOW:

A) FLOOD COMPATIBLE MATERIALS ARE TO BE USED FOR ALL NEW WORK BELOW 4.0m AHD (PTL 5) AS LISTED IN 'THE AUSTRALIAN BUILDING CODES BOARD' (ABCB) CONSTRUCTION OF BUILDINGS IN FLOOD HAZARD AREAS.

(5) NEW WORK TO BE CERTIFIED BY A QUALIFIED AND TEACHING STRUCTURAL ENGINEER IN ACCORDANCE WITH PART 9 OF THE

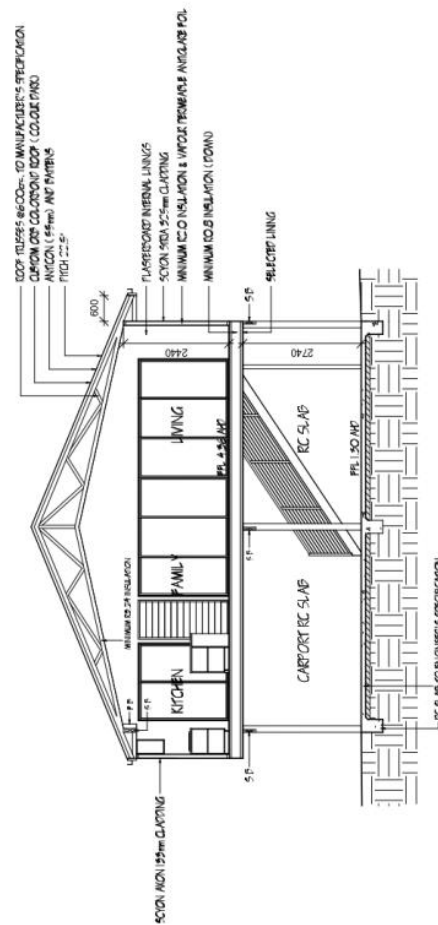
POOR WELFARE: WARRING COUNCIL FLOOD POLICY.

C) ALL FILING TO BE ELIGIBILITY FULL, COMPACTED TO PREVENT ANY DISCOUNT OR SECURING DURING A FLOOD EVENT.
FULL MUST BE COMPACTED TO A MINIMUM OF 90% REDUCED MAXIMUM FIRST PRIORITY (MAYOR) OR MORE IF SPECIFIC FOR
FOUNDATION CONDITIONS OR OTHER STRUCTURAL FACTORS. DEPENDS TO PART 9 OF THE TORY MAJORITIES - HARMING
CONDUCT. FLOOD POLICY FOR FLOOD DETAIL.

(D) THE DEVELOPMENT IS TO ALLOW WATERS IN EXCESS OF THE 20 CM VAD TO PASS THROUGH THE PULPING WITH COTTINGS IN ACCORDANCE WITH PART 9 OF THE FOST WATERSHED - HAWKING COUNCIL FLOOD POLICY & THE ALUMINUM PULPING CODES (SINK, LIFT); COMPLETION OF PULPING IN FLOOD HAZARD AREA;

E) ANY NEW METER BOX FOR THE PROPOSED DEVELOPMENT WILL BE LOCATED ABOVE 5.5m AHD (FRL 2) AND THE RELEVANT ELECTRICITY AUTHORITY REQUIREMENTS.

F) ANY CANNISTER TANK WILL BE SECURELY FASTENED TO STRUCTURAL ENGINEER'S DETAIL IN ACCORDANCE WITH "THE FORT MACCOMB-HASTINGS COUNCIL FLOOD POLICY".



③ A SECTION ratio 1 : 100

SALON

NOTES
TIMBER FRAME TO AS 1684.2

FOR INSTALLATION REQUIREMENTS REFER
TO SUMMARY OF MINIMUM

BASIC COMMITMENTS

FBI - FEATURING BULKHEAD

SD - SELECTED BEAM:

OF LAMINATED TIM-

OK DOMINATED THE
TO ENGINEER'S SP

W. C. MANNING JR.

53554

TRUSS DESIGN DETERMINATION

COMPUTER SOFTWARE PRO

BY THE TECHNICAL DIVISION

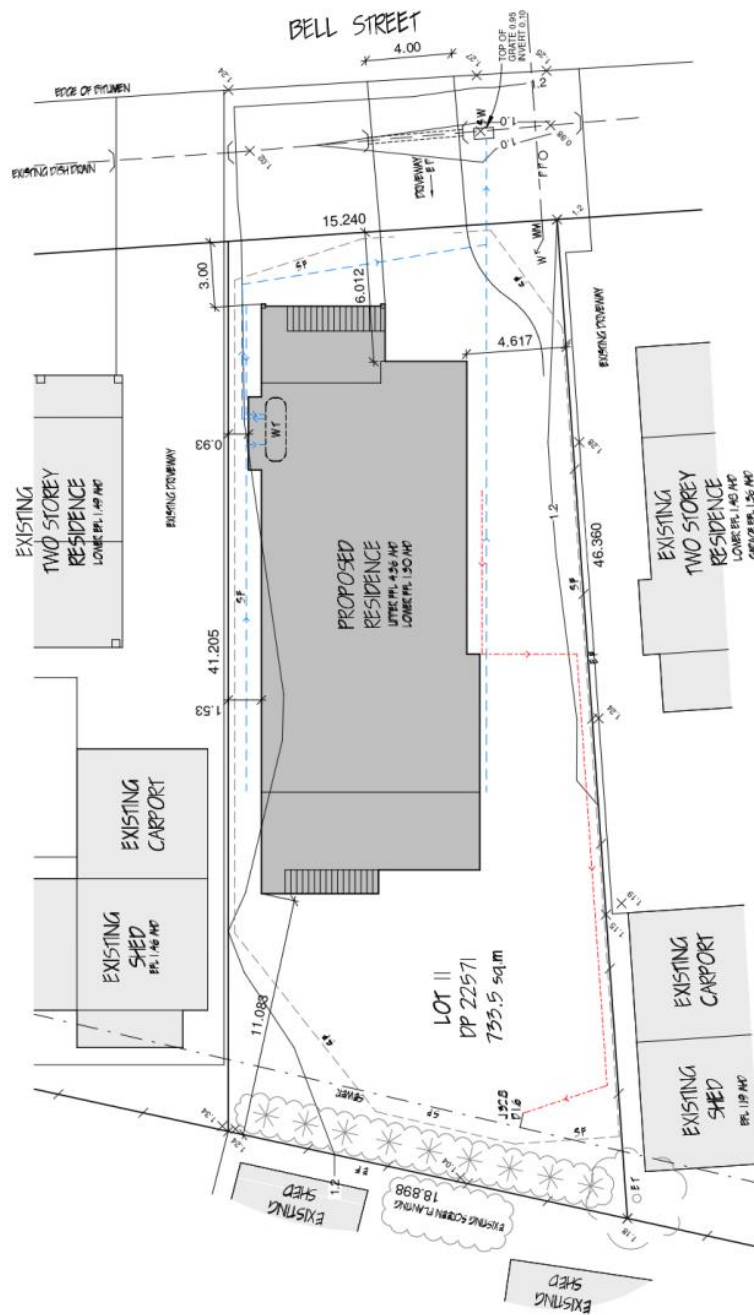
FRIDA TRUSS SYSTEM

McRAE, LOT 11 BELL STREET, DUNBOGAN

PAGE 8

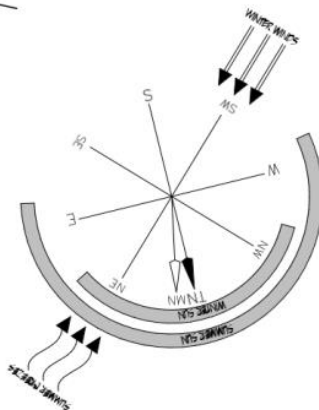
CONSTRUCTION IN BUSHFIRE PRONE AREA: BAL 12.5

[illegible]



SITE PLAN ratio 1:200

- NOTES:
- CONTOURS ARE APPROXIMATE TO REQUIRED DURING CONSTRUCTION
 - SP - SEGMENT FENCE (SHADEGLOW 5000)
 - EP - ENTRY POINT MINIMUM 3m WIDE WITH 200mm THICK AGGREGATE AND EXTEND FROM THE LEADS TO THE BUILDING FOOTPRINT
 - SW - STORM WATER DRAINAGE LINE (MIN 100 PIP TO AS 5500 CONNECT TO EXISTING STORMWATER PIT)
 - ET - EXISTING TREE
 - EP - EXISTING FENCE
 - SW - STORMWATER PIT
 - WT - MINIMUM 4000L WATER TANK LOCATED TO BE CONFIRMED
 - W - WHITE CONNECTION TO PROPOSED RESIDENCE TO AS 5500
- PROPOSED LANDSCAPING:
- SCREEN PLANTING NATIVE SHRUBS 4m AND GROUND COVER IN PARK MULCH BEDS WITH TREATED TIMBER SURROUND

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DAVE WATT & ASSOCIATES

MURRAY, LOT 11 BELL STREET, DUNBOGAN

REVISED 19-2020
PAGE 10

SAFETY REPORT

(TO WORK HEALTH & SAFETY REGULATION 2011)

CLIENT:

A. & R. McRAE

PROJECT SCOPE:

CONSTRUCTION OF RESIDENCE

PROJECT ADDRESS:

LOT 11 D.P. 22571 No. 37 BELL STREET, DUNBOGAN

1. FALLS, SLIPS, TRIPS**a) WORKING AT HEIGHTS****DURING CONSTRUCTION**

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

DURING OPERATION OR MAINTENANCE

Heights up to 2m:
Cleaning and maintenance of windows, walls, ceilings, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or resiles should be used in accordance with relevant codes of practice, regulations or legislation.

Heights Over 2m:

Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

b) SLIPPERY OR UNEVEN SURFACES**FLOOR FINISHES**

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

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Designers should ensure that the building and its components are included in the building which may be a hazard to workers, carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace.

Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or become slippery. Surfaces should be regularly inspected and maintained so that they become uneven and present a trip hazard. Spills, a slip or trip hazard should be cleaned or removed from access ways.

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

2. FALLING OBJECTS**LOOSE MATERIALS OR SMALL OBJECTS**

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

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

BUILDING COMPONENTS

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

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects.

Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

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

4. SERVICES**GENERAL**

Personal Protective Equipment (PPE) services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used. If services are located in or around this site, these pose a risk of electrocution if struck. Where possible and practical power lines should be disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS

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

All lifting should be carried out in accordance with the manufacturer's instructions. All lifting should be carried out in accordance with the manufacturer's instructions. All lifting should be carried out in accordance with the manufacturer's instructions.

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

6. HAZARDOUS SUBSTANCES**ASBESTOS**

For alterations to a building constructed prior to 1990: If this existing building was constructed prior to 1990 - it therefore may contain asbestos. This includes asbestos in the form of asbestos containing materials (ACMs) or asbestos containing products (ACPs) in either cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

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

TREATED TIMBER

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

VOLATILE ORGANIC COMPOUNDS

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

SYNTHETIC MINERAL FIBRE

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

TIMBER FLOORS

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

7. CONFINED SPACES**EXCAVATION**

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

ENCLOSED SPACES

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

SMALL SPACES

For buildings with small spaces where maintenance or other access may be required. Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be adequately supported. Working at heights should be avoided. Signs and barriers to prevent accidental or unauthorised access to all small spaces should be provided.

8. PUBLIC ACCESS

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

9. OPERATIONAL USE OF BUILDING

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

10. OTHER HIGH RISK ACTIVITY

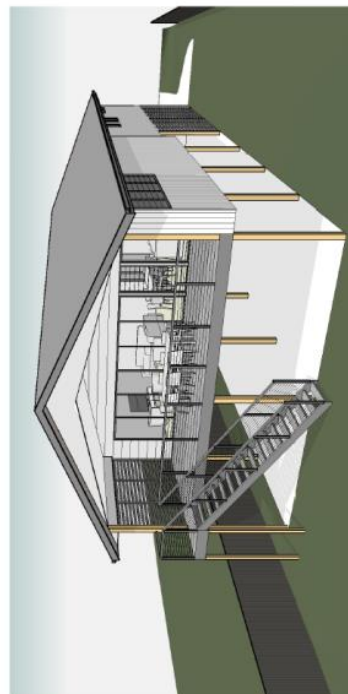
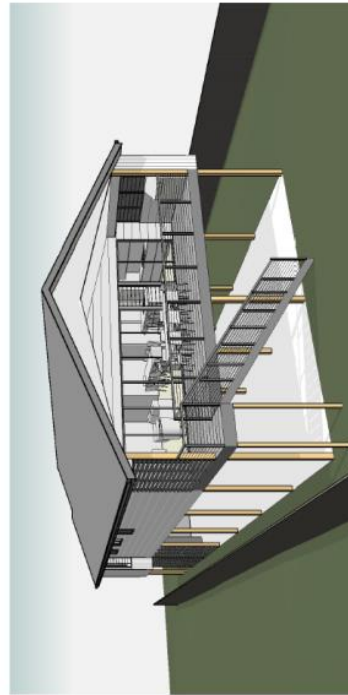
All electrical work should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace, AS/NZ 3012 and all licensing requirements. All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace. All work should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

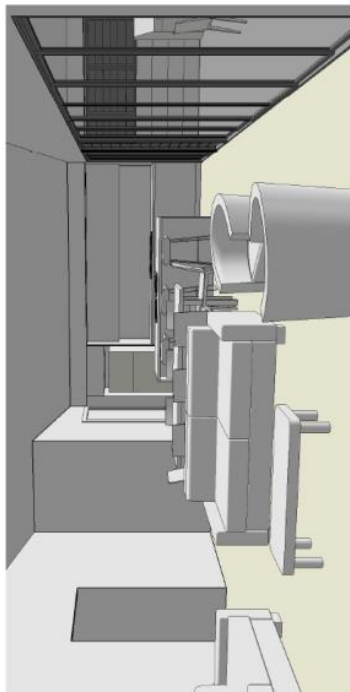
THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT
THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS,
CONSULTANTS, RENOVATORS, OPERATORS, MAINTENANCE WORKERS, DEMOLISHERS.

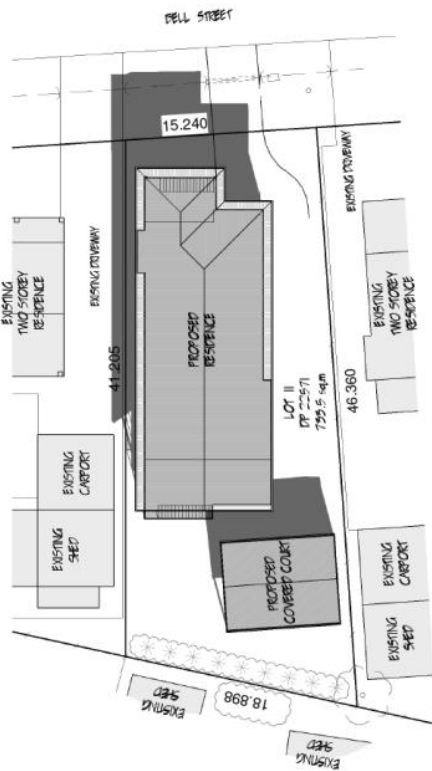
D+W
DAVE WATT & ASSOCIATES

McRAE, LOT 11 BELL STREET, DUNBOGAN

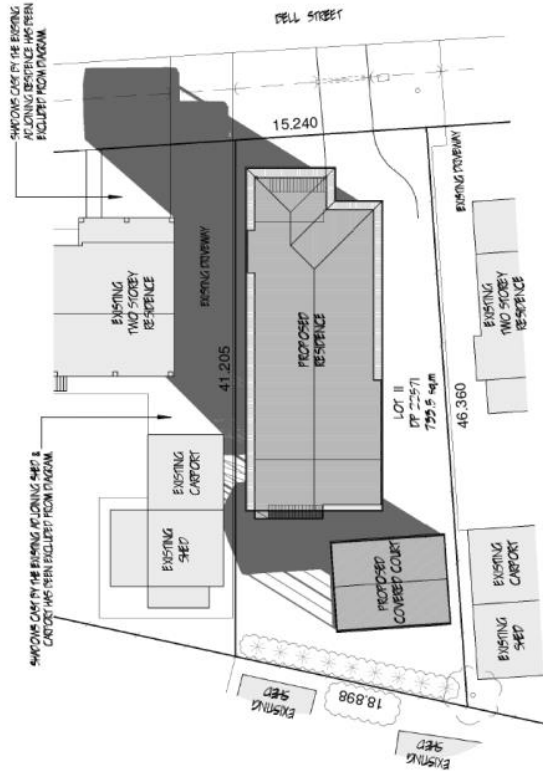
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PAGE 11



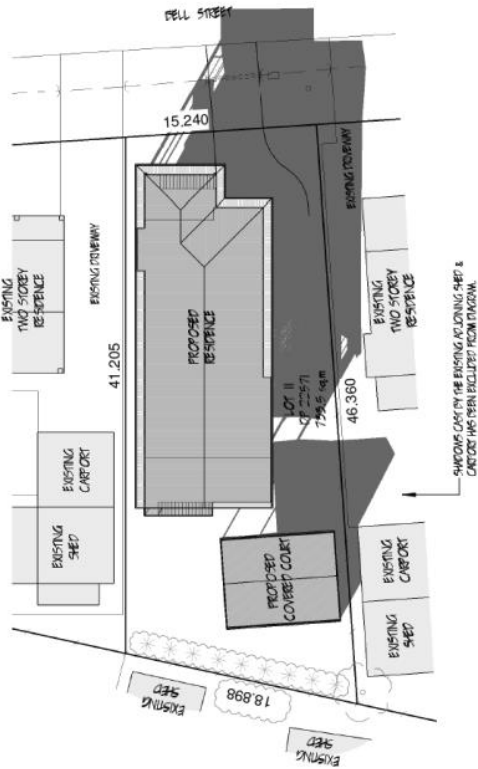




SHADOW DIAGRAM 21 JUNE 12PM

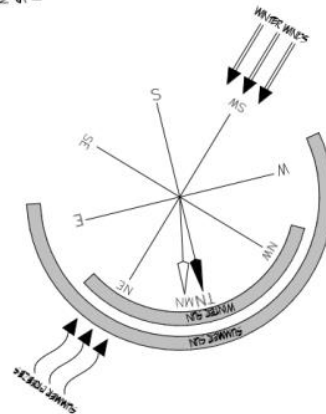


SHADOW DIAGRAM 21 JUNE 3PM



SHADOW DIAGRAM 21 JUNE 9AM

NOTES
SHADOWS CAST BY THE EXISTING ADJOINING RESIDENCE
HAS BEEN EXCLUDED FROM DIAGRAM.



MCRAE, LOT II BELL STREET, DUNBOGAN

1 Bonny Ridge
Bonny Hills NSW 2445
02 65 855 455
design@davywatt.com
www.davywatt.com
ABN: 87 619 308 342



**Statement of Environmental Effects
Proposed Residence and Covered Court
at Lot 11 DP 22571
No. 37 Bell Street
Dunbogan.**

1.0 Property Details

Lot No	11	Section No	-
DP No	22571	Street No	37
Street Name	Bell Street		
Suburb/Town	Dunbogan	Postcode	2443

2.0 Proposal Description

It is proposed to construct a new residence and covered court on the subject lot.



Proposed Residence and Covered Court

3.0 Planning Information

What is the zoning of the subject land?

R1- General Residential

What is the current use of the land/building?

Vacant Lot

Is the proposal:

Permissible within the zone?

Yes

No

☒☐

Consistent with the zone objectives?

☒☐

Does the proposal comply with the relevant:

State Environmental Planning Policies

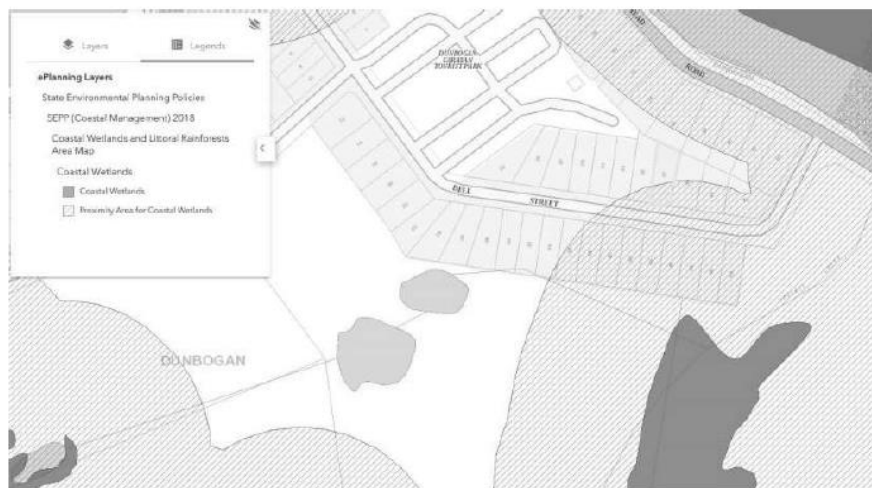
☒☐**State Environmental Planning Policy (Coastal Management) 2018**

The site is located within a coastal zone as defined by Clause 6 of the SEPP including land mapped as proximity to coastal wetlands, coastal environment area, and coastal use area.

Proximity to coastal wetlands.

Clause 11 of the SEPP outlines matters for consideration for land in proximity to coastal wetlands or littoral rainforests. These have been considered in the design of the proposed residence and covered court.

As the proposed residence and covered court is located within an established residential area it will have no impact on the biophysical, hydrological, and ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground flows to and from the adjacent coastal wetland.



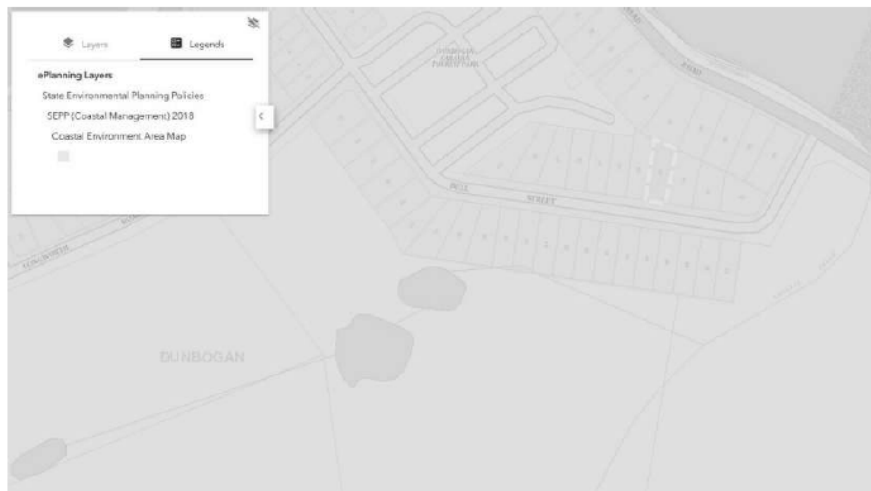
Coastal Wetlands Map

Coastal environment area.

Clause 13 of the SEPP outlines matters for consideration for land in a coastal environment area. These have been considered in the design of the proposed residence and covered court.

The proposed residence and covered court will have no impact on the coastal environment area and will not impact:

- a. The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.
- b. The coastal environmental values and natural coastal processes.
- c. Water Quality.
- d. Marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.
- e. 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.
- f. Aboriginal cultural heritage, practices and places.
- g. The use of the surf zone.



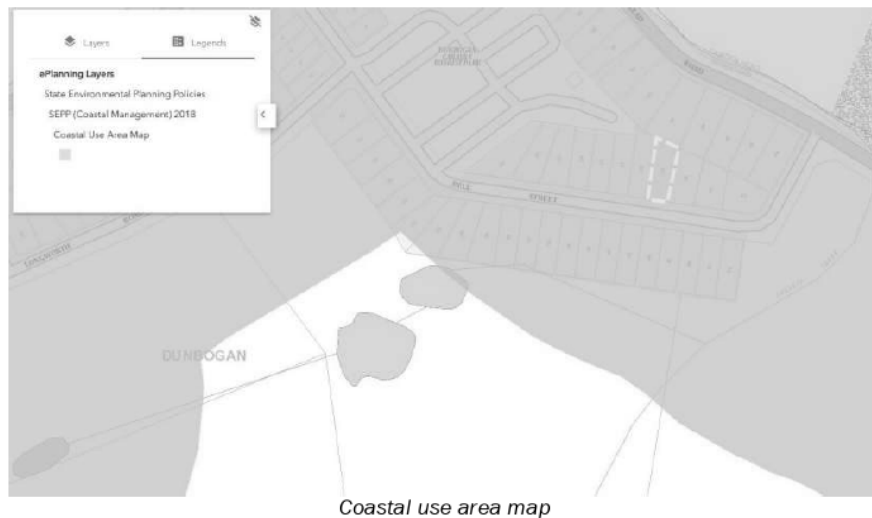
Coastal environment area map

Coastal use area.

Clause 14 of the SEPP outlines matters for consideration for land in a coastal use area. These have been considered in the design of the proposed residence and covered court.

The proposed residence and covered court will have no impact on the coastal use area and will not impact:

- a. Existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.
- b. Overshadowing, wind funnelling and the loss of views from public places to foreshores.
- c. The visual amenity and scenic qualities of the coast, including coastal headlands.
- d. Aboriginal cultural heritage, practices and places.
- e. Cultural and built environment heritage.



Development standards (i.e. FSR, heights) in the Local Environment Plan?



The proposed residence is subject to and compliant with Port Macquarie-Hastings Local Environment Plan 2011(LEP).

The lot is zoned R1- General Residential and is 733.5m². The proposed residence achieves the objectives of, and is permissible within this zoning.

The proposed residence is compliant with clause 4.3 of the LEP with a roof height of 7.8m from natural ground level.

The proposed residence has a floor space ratio which is compliant with clause 4.4 of the LEP. The gross floor area of the proposed residence is 184.5m² and therefore has a floor space ratio of 0.25:1.

Development control plan (e.g. setbacks, car parking)?



The site is a vacant 733.5m² lot located on Bell Street in Dunbogan. It is zoned R1- General Residential and there are existing residences with free standing sheds on the adjoining lots to the north, east, and west. There are existing residences across Bell Street to the South. The proposed residence will be constructed with selected masonry block, selected cladding and a colorbond roof. The proposed covered court will be constructed with colorbond cladding and a colorbond roof. The proposed residence and covered court will complement and be in keeping with the surrounding built environment.

The proposed residence and covered court is subject to the Port Macquarie Hastings DCP 2013, in particular Part C1: Low Density Residential Development. The proposed design satisfies all the objectives of the Chapter.

Front Setbacks

44.

The proposed residence has compliant front boundary setback of 6.012m. The front verandah is located within the articulation zone and has a compliant front setback of 3.0m.

45.

The carport door is located greater than 1m behind the front of the building. It has a setback to the front boundary of greater than 5.5m. The carport door is 3.18m wide which is less than 6.0m or 50% of the width of the building. The driveway crossover is compliant at 4.0m wide.

Side and Rear Setbacks

46.

The proposed residence has a compliant rear boundary setback of 11.088m to the northern boundary and the proposed covered court has a compliant rear boundary setback of 3.751m to the northern boundary.

47.

The proposed residence has a compliant first floor side setback to the eastern boundary of 0.93m. This setback is from the step out under the eave and the rest of the first floor wall has a setback of 1.53m. The reduced first floor side setback to the eastern boundary is compliant with Clause 46 in that it will not cause adverse overshadowing of primary living areas or primary private open space areas of the adjoining property to the east for more than 3 hours on the 21st June.

The proposed residence has a compliant first floor side setback to the western boundary of 4.617m.

The proposed covered court has compliant side boundary setbacks of 7.616m to the eastern boundary and 0.9 to the western boundary.

Each elevation of the proposed residence includes articulation through steps in the building facade and changes in cladding. There is one first floor wall with a setback less than 3m that is greater than 12m in length. This wall will not cause overbearing and perceptions of building bulk as it is elevated on steel posts and open underneath at ground level which will provide articulation across the height of the wall.

Private Open Space

48.

The proposed residence has compliant private open space within its verandah and yard areas.

Public Domain Fencing

49. Not applicable

50. Not applicable

Bulk and Scale

51.

The proposed residence and covered court has been designed to protect the privacy of the adjoining residences. The proposed residence will have no impact on the privacy of the adjoining residences and there are no direct views within 12m between primary indoor and outdoor living areas.

Roof Terraces

52. Not applicable

Water Recreation Structure (Boat Launching Ramp, Jetty and Mooring)

53. Not applicable

54. Not applicable

55. Not applicable

Ancillary Development

56.

The proposed covered court is classified as ancillary development. It has a compliant building height of 4.0m and roof pitch of 10°. The floor is 63.0m² and it is located behind the proposed residence. As the covered court is located behind the proposed residence it will have no impact on the adjoining residences.

4.0 Site Suitability

Will the development:

	Yes	No
Affect any neighbouring residences by overshadowing or loss of privacy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Result in the loss or reduction of views?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Impact on any item of heritage or cultural significance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Result in land use conflict or incompatibility with neighbouring premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Be out of character with the surrounding area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Be visually prominent within the existing landscape / streetscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Require excavation or filling in excess of 1 metre?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Require the erection or display of any advertising signage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.0 Environmental Impacts

Is the site affected by any of the following natural hazards:

	Yes	No
Flooding?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The site is mapped within the flood planning area and is therefore subject to Port Macquarie- Hastings Council Flood Policy September 2015. The site has a Hydraulic Category of Flood Storage over the site according to councils flood study and mapping data. The Flood Storage category refers to areas which are part of the 'Floodplain that are important for the temporary storage of floodwater during the passage of a flood'.

The site has a Flood Hazard Category of High according to councils flood study and mapping data.

Flood Planning Levels (FPL) for the site

FPL 1 (20 year ARI Flood Level, No Allowance for climate change, no freeboard)	2.12m AHD
FPL 2 (100 year ARI Flood Level +Climate Change Allowance, no freeboard)	3.59m AHD
FPL 3 (100 year ARI Flood Level + Climate Change Allowance+ 0.5m freeboard)	4.09m AHD

The proposed residence and covered court are classified as infill development and are permissible in the Dunbogan Precinct and the Flood Storage Hydraulic Category located on the site. Details of compliance with Part 5.9 of Port Macquarie- Hastings Council Flood Policy September 2015 are below:

Flood Levels-

The proposed finished floor level to all habitable areas is 4.36m AHD which is greater than the required 4.09m AHD (FPL 3).

Flood Proofing-

Flood Proofing measures are to be applied to all aspects of the proposed residence and covered court up to 4.09m AHD (FPL 3) in accordance with Part 9 of the Port Macquarie- Hastings Council Flood Policy and as detailed below:

- a) Flood Compatible materials are to be used for all new work below 4.09m AHD (FPL 3) as listed in the Australian Building Codes Board (ABCB): Construction of Buildings in Flood Hazard Areas.
- b) New work is to be certified by a qualified and practising Structural Engineer in accordance with Part 9 of the Port Macquarie- Hastings Council Flood Policy.
- c) All filling to be Engineered Fill. Compacted to prevent any erosion or scouring during a flood event. Fill must be compacted to a minimum of 95% Standard Maximum Dry Density (SMDD) or higher if specified for foundation conditions or other structural purpose. Refer to part 9 of the 'Port Macquarie- Hastings Council Flood Policy for further detail.
- d) The proposed residence and covered court has been designed to permit flood water in excess of the 20 year ARI to pass beneath or through the building in accordance with Australian Building Codes Board (ABCB): Construction of Buildings in Flood Hazard Areas.
- e) Any new meter box for the proposed residence and covered court will be located above 3.59m AHD (FPL 2) and to the relevant electricity authority requirements
- f) The Rainwater tank will be securely fastened to Structural Engineer's details in accordance with the Port Macquarie- Hastings Council Flood Policy.

Flood Impact on Other Properties-

The proposed residence does not include any cut or fill and has been designed to permit flood flows beneath the building. It will therefore have no significant impact on the pattern of Flood Flows and Flood Levels.

Statement of Environmental Effects

7

Site Access and Flood Evacuation-

There are two possible routes for Site Access and Flood Evacuation. The first is west along Bell Street to The Boulevarde then south to the intersection with Diamond Head Road. The second is east along Bell Street and Camden Head Road to Scarborough Way. Then south along Scarborough Way to the recently completed raised access 'Tip Road' which joins The Boulevarde near to Diamond Head Road.

Bushfire?



The site is mapped within a Bushfire Prone 'Buffer' Area. Please see enclosed Bushfire Protection Assessment for further detail.

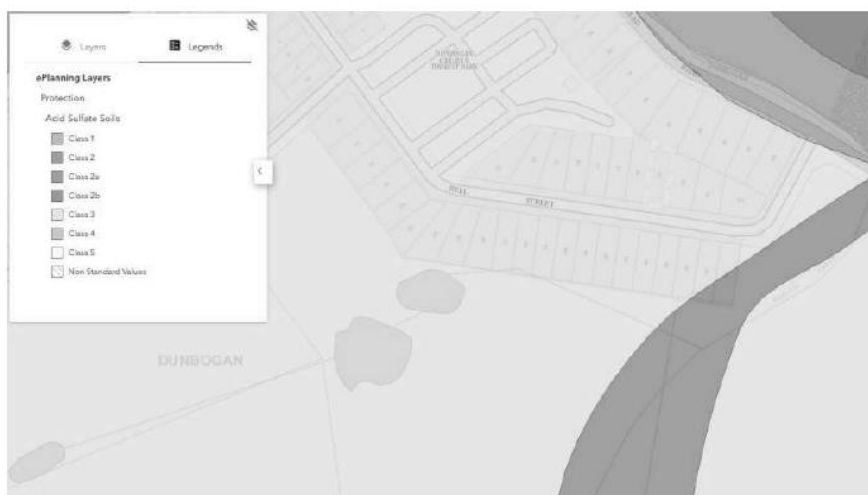


Bushfire Map

Acid Sulphate Soils?



The site is mapped within 'Class 3' Acid Sulphate Soils. The residence and covered court proposes minimal site excavation and during construction the site will be adequately managed for runoff.



Acid Sulphate Soils Map

Will the proposal:

	Yes	No
Result in any form of air pollution? (smoke, dust, odour etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have the potential to cause any form of water pollution?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Emit noise levels that could affect neighbouring properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Be considered potentially hazardous or offensive? (refer to SEPP 33 for definitions)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Affect native or aquatic habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have an impact on the threatened species or habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Involve the removal of trees? (if yes, detail type & number)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6.0 Access, Traffic & Utilities

	Yes	No
Are electricity and telecommunications services available to the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the site have access to town water?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the site have access to town sewerage?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provide details of on-site parking, including numbers of spaces:	Double Carport	
	Yes	No
Is lawful and practical access available to the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the development increase local traffic movements and volumes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are appropriate manoeuvring, unloading and loading facilities available on site? (Turning templates may be required for medium density, commercial and industrial)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provide details of proposed method of stormwater disposal: (e.g. street, rubble drain, rainwater tank)		

Part of the roof water for the residence and covered court will be collected in a rainwater tank for reuse. The tank overflow and remaining stormwater will be disposed of to the existing stormwater pit located in the Bell Street road reserve.

7.0 Social & Economic Impacts

(not applicable to new dwellings, additions or like)

8.0 Waste Disposal

Provide details of waste management and storage:

During construction a skip bin will be located on site and emptied by an accredited service provider.

	Yes	No
Does the proposed use generate any special wastes? (e.g. medical, contaminated)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the use generate trade wastes? (e.g. greasy or medical wastes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This Statement of Environmental Effects was written by:



Bevan Davy
23rd July 2020