NOTICE OF MEETING

Notice is hereby given that a meeting of the

DEVELOPMENT CONTROL UNIT

will be held at the Council Chambers, Breese Parade, Forster on

25 FEBRUARY 2016 AT 2PM

The order of the business will be as detailed below (subject to variation by Council)

1. Apologies
2. Declarations of Pecuniary & Non-Pecuniary Conflicts of Interest
3. Confirmation of the Minutes from previously held meetings:
   DCU 28 January 2016
4. Consideration of Officers' Reports:
   Director Planning & Environmental Services
5. Late Business
6. Close of Meeting

* NB If a Councillor wants to call in any Application for determination by Full Council, they must notify the General Manager’s Secretary of the Item by 12.00 noon on Tuesday, 23 February 2016.

Glenn Handford
GENERAL MANAGER
GREAT LAKES COUNCIL

Council endorsed Great Lakes 2030 on 25 June 2013 incorporating a vision supported by four key directions identified by the community. This Plan is Council's primary forward planning document that aligns our community's vision with a clear strategic direction for the Great Lakes' long term future.

VISION

*a unique and sustainably managed environment balanced with quality lifestyle opportunities created through appropriate development, infrastructure and services*

KEY DIRECTIONS & OBJECTIVES

<table>
<thead>
<tr>
<th>Key Direction 1</th>
<th>Our environment</th>
<th>Objectives</th>
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<tbody>
<tr>
<td></td>
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<td>• Protect and maintain the natural environment so it is healthy and diverse</td>
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<td>• Ensure that development is sensitive to our natural environment</td>
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<td>• Prepare for the impact of sea level rise and climate change</td>
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<td>• Sustainably manage our waste</td>
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<thead>
<tr>
<th>Key Direction 2</th>
<th>Strong local economies</th>
<th>Objectives</th>
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<tr>
<td></td>
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<td>• Promote the Great Lakes as an area that is attractive for residents and visitors</td>
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<td>• Establish and maintain a supportive business environment that encourages job opportunities</td>
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<td>• Provide transport infrastructure that meets current and future needs</td>
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<tr>
<th>Key Direction 3</th>
<th>Vibrant and connected communities</th>
<th>Objectives</th>
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<tr>
<td></td>
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<td>• Provide the right places and spaces</td>
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<td>• Plan for sustainable growth and development</td>
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<td>• Increase and improve access to education for all ages</td>
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<td>• Encourage a positive and supportive place for young people to thrive</td>
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<td>• Develop and support healthy and safe communities</td>
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<td>• Build on the character of our local communities and promote the connection between them</td>
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<tr>
<th>Key Direction 4</th>
<th>Local leadership</th>
<th>Objectives</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>• Deliver Council services which are effective and efficient</td>
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<td>• Strengthen community participation</td>
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<td>• Represent the community's interests through regional leadership</td>
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GREAT LAKES COUNCIL

CODE OF CONDUCT PRINCIPLES AND ETHICAL DECISION MAKING

- **Integrity** – You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.
- **Leadership** – You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public’s trust and confidence in the integrity of Council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*
- **Selflessness** – You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*
- **Objectivity** – You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of Council’s resources; considering only relevant matters.*
- **Accountability** – You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*
- **Openness** – You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*
- **Honesty** – You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*
- **Respect** – You must treat others with respect at all times. *This means not using derogatory terms toward others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

**Ethical Decision Making**

Consider the following points when assessing a potential action or decision.

- Is the decision or conduct legal?
- Is it consistent with Council policy, Council’s objectives and Council’s Code of Conduct?
- What will the outcome be for yourself, your colleagues, Council and other interested parties?
- Does it raise a conflict of interest?
- Do you stand to privately gain or lose at the public expense?
- Can the decision be justified in terms of the public interest?
- Would the decision withstand public scrutiny?
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CONSIDERATION OF OFFICERS’ REPORTS:
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

1 PES - DA 60/2014 - Subdivision - 6 The Lakes Way Elizabeth Beach

Index: DA 60/2014 & PK 9383
Author: Development Assessment Planner - Steve Andrews
DCU Meeting: 25 February 2016

DETAILS:
Date Received: 23 August 2013 (original submission)
Applicant: Dr J R Watts
Owner: Dr J R Watts
Land: Lot 214 DP22434, 6 The Lakes Way Elizabeth Beach
Area: 1094m²
Property Key: 9383
Zoning: R2 Village Zone, GLLEP 2014

SUMMARY OF REPORT:
• Application considered by Development Control Unit (DCU) 29 January 2015 with resolution to defer for redesign
• Proposed two (2) lot residential subdivision
• Access issues
• Neighbour notification resulted in no submission
• General compliance with planning controls

SUMMARY OF RECOMMENDATION:
That the resolution of the DCU on 29 January 2015 be maintained.

FINANCIAL/RESOURCE IMPLICATIONS:
Cost of defending any appeal against Council's decision.

POLICY IMPLICATIONS:
Nil.

LEGAL IMPLICATIONS:
A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

LIST OF ANNEXURES:
A: Assessment report considered by DCU 29 January 2015
B: Applicant / owner's submission in support of the application

LIST OF ATTACHMENTS:
Nil
SUBJECT SITE AND LOCALITY:

BACKGROUND:

21 April 1950
The deposited plan was created for the subdivision of Elizabeth Beach, including the subject site. At the time of subdivision there were no Section 88B Instrument restrictions associated with the subject lot.

16 June 1971
A 3.66 metres wide right of carriageway was created at the rear of the subject site and on all lots to the north and connecting with Lakeside Crescent. The creation of the right of carriageway was a private agreement between the affected landowners at the time and Council had no involvement in its creation or endorsement of the memorandum of transfer. The right of carriageway exists on the land and is utilised by those properties that benefit from it.

16 August 2000
Council advised the owner that access to the subject site directly off The Lakes Way would be impractical and unsafe and that access to the site from Lakeside Crescent over the unmade road reserve bordering the eastern side of The Lakes Way should be investigated.

29 September 2000
Vehicular crossing approval was granted for the subject lot to be accessed from Lakeside Crescent via the unmade road reserve bordering the eastern side of The Lakes Way. This vehicular access did not proceed.
2010/2011
In conjunction with roadwork upgrading on The Lakes Way frontage, the existing gravel driveway that runs along the top of the road batter within The Lakes Way road reserve and provides physical access to the subject site and all lots to the south (total of seven lots) was widened. Included in those works was the conversion of the access to the site (approved 29 September 2000 - see above), to a cycleway. Those works were carried out given the subject site was undeveloped and access was upgraded to Bellman Avenue, to the south.

2013
Prior to the lodgement of the subject development application the owners of the land attended Council's Development Assessment Panel seeking opinion in respect of the proposed subdivision and access via the right of carriageway to Lakeside Crescent. Council officer's indicated that they would not be supportive of the access arrangement via the right of carriageway given the inherent lack of sight distance at the Lakeside road alignment. The owners were advised that a subdivision design that included an access handle to the proposed rear lot from the existing southern access from Bellman Avenue would be a more suitable alternative.

23 August 2013
The subject development application was submitted. In accordance with Section 91 of the Environmental Planning and Assessment Act 1979 the application was referred on 30 August 2013 to the Rural Fire Service (RFS) for the issue of a Bush Fire Safety Authority, a prerequisite to issue of development consent. Since that referral the owner had been negotiating with the RFS who, on 9 January 2015, issued a conditional Bush Fire Safety Authority based on a performance assessment against the aims and objectives of Planning for Bush Fire Protection 2006, as the proposed subdivision was unable to meet the acceptable solutions or performance criteria with regard to access to/from the public road system.

29 January 2015
The DCU considered this application for a two (2) lot subdivision of the site and resolved:

That consideration of DA 60/2014 for the two (2) lot residential subdivision of Lot 214 DP22434, 6 The Lakes Way, Elizabeth Beach be deferred for 90 days with the view to the applicant revising the proposed design to enable vehicular access to the proposed Lot 1 from the gravel track to the western end of the existing site that connects to Bellman Avenue, to the south. The design should include a widening of the proposed battle-axe handle, at its western end, to enable the parking of two (2) vehicles associated with the future occupants of Lot 1. In conjunction with the revised subdivision design a driveway gradient design compliant with Australian Standard AS 2890.1 should be submitted demonstrating that reasonable vehicular access can be achieved to parking for both proposed lots with access to/from Bellman Avenue in a forward direction.

Annexed marked 'A' is a copy of the assessment report considered by the DCU at its meeting 29 January 2015.

The owner then advised that before investigating other design options he would approach the RMS authority with the view to the lowering of the speed limit in this section of Lakeside Crescent from 60kph to 50kph. The RMS authority advised the owner by email dated 17 November 2015 that the authority agrees with the speed limit reduction and appropriate signage will hopefully be erected prior to Christmas 2015. Council engineering/traffic officers have advised that the required 50kph signage has been erected.

APPLICANT'S SUBMISSION:

Annexed marked 'B' is a copy of the applicant/owner's submission in support of the current application.
CONSIDERATION:

Council is required to consider whether vehicular site access to/from Lakeside Crescent is safe and complies with sight distance requirements set by NSW Roads and Maritime Services (RMS) and the relevant Australian Standards (AS2890.1). Given that the RMS has lowered the frontage speed limit to 50kph, AS2890.1 Figure 3.2 indicates that the required minimum sight distance for domestic property access is 40 metres. The applicant/owner previously submitted in his Statement of Environmental Effects that a right turn into and out of the right of carriageway (ROC) via Lakeside Crescent was unsafe and that the customary means of entry and exit was by left turn only. Therefore, left turn in and out is the alternative manoeuvre. In this regard the applicant/owner submitted a surveyor's report dated 1 July 2014, indicating compliance with AS2890.1 with minimum sight distance of 41 metres for a left turn in and out manoeuvre. The surveyor was of the opinion that parking along the southern side of Lakeside Crescent should not be permitted for a distance of 40 metres east of the ROC given the visual obstruction caused by on-street parked vehicles. The surveyor has since carried out a site assessment and concludes that the minimum sight distance is 41.57 metres (Refer to Annexure ‘B’).

Vision to the east at the right of carriageway (ROC) intersection with Lakeside Crescent for vehicles exiting the ROC and for vehicles travelling west along Lakeside Crescent is regularly restricted by the on-street parking of vehicles (including cars, 4WD vehicles, boats and trailers) generally associated with the adjoining Pacific Palms Resort. The vehicles are parked between the ROC entry and the driveway entrance to the resort that is located on the crest of the hill. AS 2890.1 does not take into account parked vehicles in terms of the minimum required sight distances for domestic driveways and therefore "No Parking" signage should not be implemented for access to/from domestic driveways. If such a restriction were to be imposed for domestic driveways the outcome would significantly impact on on-street parking availability adjacent to driveways in all residential areas.

The road formation in this locality was widened to 2 lanes both ways by the Pacific Palms Resort, as a condition of consent when the resort was constructed, allowing for a thru traffic lane and a parking lane on the southern side of the road and a thru lane and turning lane into the resort driveway on the northern side.

CONCLUSION:

Given the above information and the benefit of a site inspection by Council officers, access to/from the site utilising the ROC to Lakeside Crescent, is considered unsafe under good conditions of daylight and fine weather.

It is recommended that any subdivision of the lot retain access rights along the right of access to Bellman Avenue and that this become the primary access point for the development. This design outcome could be addressed by widening the proposed battle axe handle at its western end to accommodate two off-street parking spaces that would serve proposed rear lot 1 and with proposed lot 2, share access from Bellman Avenue.

Should Council support the proposed development a median Island should be constructed to the centre of the road to prevent agreed unsafe right turn in and out manoeuvres to/from the ROC at Lakeside Crescent.

The development has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be a reasonable development suitable for the site and in the context of the locality subject to the design being revised to permit vehicular access to proposed lot 1 from the existing sealed road that connects to Bellman Avenue.

Accordingly, consideration of the application should be again deferred with the view to the applicant revising the proposed subdivision design. Should the Council endorse this report's recommendation then the recommended re-design would require referral to the RFS for a revised Bush Fire Safety Authority.
RECOMMENDATION:

That consideration of DA 60/2014 for the two (2) lot residential subdivision of Lot 214 DP22434, 6 The Lakes Way, Elizabeth Beach be deferred for a further 60 days with the view to the applicant revising the proposed design to enable vehicular access to the proposed Lot 1 from the sealed road to the western end of the existing site that connects to Bellman Avenue, to the south. The design should include a widening of the proposed battle-axe handle, at its western end, to enable the parking of two (2) vehicles associated with the future occupants of Lot 1. In conjunction with the revised subdivision design a driveway gradient design compliant with Australian Standard AS 2890.1 should be submitted demonstrating that reasonable vehicular access can be achieved to parking for both proposed lots with access to/from Bellman Avenue in a forward direction.
ANNEXURES:
A: Assessment report considered by DCU 29 January 2015

<table>
<thead>
<tr>
<th>Subject:</th>
<th>PES - DA 60/2014 - Subdivision - 6 The Lakes Way, Elizabeth Beach</th>
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<tbody>
<tr>
<td>Index:</td>
<td>DA 60/2014 &amp; PK9383</td>
</tr>
<tr>
<td>Author:</td>
<td>Development Assessment Planner - Steve Andrews</td>
</tr>
<tr>
<td>DCU Meeting:</td>
<td>29 January 2015</td>
</tr>
</tbody>
</table>

DETAILS:
- Date Received: 23 August 2013
- Applicant: Mr JB Watts
- Owner: Mr EJ & Mrs MM Watts
- Land: Lot 214 DP 22434, 6 The Lakes Way, Elizabeth Beach
- Area: 1094m²
- Property Key: PK 9383
- Zoning: 2(a) Low Density Residential, GLLEP 1996

SUMMARY OF REPORT:
- Proposed two (2) lot residential subdivision
- Access issues
- Neighbour notification resulted in no submission
- General compliance with planning controls

SUMMARY OF RECOMMENDATION:
That consideration of the application be deferred with the view to the applicant revising the proposed subdivision design.

FINANCIAL/RESOURCE IMPLICATIONS:
Cost of defending any appeal against Council’s decision.

POLICY IMPLICATIONS:
Nil.

LEGAL IMPLICATIONS:
A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

LIST OF ANNEXURES:
A: Plan of proposed subdivision.
LIST OF ATTACHMENTS:

Nil.
SUBJECT SITE AND LOCALITY:

BACKGROUND:

21 April 1950 - The deposited plan was created for the subdivision of Elizabeth Beach, including the subject site. At the time of subdivision there were no Section 88B Instrument restrictions associated with the subject lot.

16 June 1971 - A 3.66 metres wide right of carriageway was created at the rear of the subject site and on all lots to the north and connecting with Lakeside Crescent. The creation of the right of carriageway was a private agreement between the affected landowners at the time and Council had no involvement in its creation or endorsement of the memorandum of transfer. The right of carriageway exists on the land and is utilised by those properties who benefit from it.

16 August 2000 - Council advised the owner that access to the subject site directly off The Lakes Way would be impractical and unsafe and that access to the site from Lakeside Crescent over the unmade road reserve bordering the eastern side of The Lakes Way should be investigated.

29 September 2000 - Vehicular crossing approval was granted for the subject lot to be accessed from Lakeside Crescent via the unmade road reserve bordering the eastern side of The Lakes Way. This vehicular access did not proceed.

2010/2011 - In conjunction with roadwork upgrading on The Lakes Way frontage, the existing gravel driveway that runs along the top of the road batter within The Lakes Way road reserve and provides physical access to the subject site and all lots to the south (total of seven lots) was widened. Included in those works was the conversion of the access to the site (approved 29
September 2000 - see above), to a cycleway. Those works were carried out given the subject site was undeveloped and access was upgraded to Bellman Avenue, to the south.

2013 - Prior to the lodgement of the subject development application the owners of the land attended Council’s Development Assessment Panel seeking opinion in respect of the proposed subdivision and access via the right of carriageway to Lakeside Crescent. Council officer’s indicated that they would not be supportive of the access arrangement via the right of carriageway given the inherent lack of sight distance at the Lakeside road alignment. The owners were advised that a subdivision design that included an access handle to the proposed rear lot from the existing southern access from Bellman Avenue would be a more suitable alternative.

23 August 2013 - The subject development application was submitted. In accordance with Section 91 of the Environmental Planning and Assessment Act 1979 the application was referred on 30 August 2013 to the Rural Fire Service (RFS) for the issue of a Bush Fire Safety Authority, a prerequisite to issue of development consent. Since that referral the owner has been negotiating with the RFS who have now (9 January 2015) issued a conditional Bush Fire Safety Authority based on a performance assessment against the aims and objectives of Planning for Bush Fire Protection 2006, as the proposed subdivision was unable to meet the acceptable solutions or performance criteria with regard to access to/from the public road system. Accordingly, the development application can be considered and determined by Council

PROPOSAL:

To subdivide the existing 1094m² undeveloped lot into two (2) lots with areas of 524m² (front western lot) and 570m² (rear eastern lot). The rear lot will have a 1.5 metre wide pedestrian and service access handle connecting to the access track from Bellman Avenue, that serves the site and all lots to the south. The application includes development concept details that show building envelopes and access arrangements for each of the proposed lots. Vehicular access to the front western lot will be from the existing access track that connects with Bellman Avenue. A loop road within the proposed lot will enable forward entry and exit. The proposed rear eastern lot will have vehicular access to/from the existing right of carriageway to the eastern end of the proposed lot that connects with Lakeside Crescent. The concept design indicates that access to/from the proposed lot will be in a forward direction.

SITE DESCRIPTION:

The undeveloped site is located to the eastern higher side of The Lakes Way, between the intersections with Lakeside Crescent and Bellman Avenue. The site is rectangular in shape and slopes up steeply from its front western boundary to the rear eastern boundary. The site contains a number of trees with a generally managed understorey. The site has vehicular access from Lakeside Crescent to the north via a right of carriageway over properties to the north and from Bellman Avenue to the south via a track over the unmade road reserve. The right of carriageway over the subject site and to the north also serves two (2) properties to the south

The property adjoining to the south is developed with a dwelling house. The adjoining undeveloped land to the north forms part of the land developed with the Pacific Palms Resort, to the east of the site.

REPORT:

The following matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979, are relevant in considering this application:

a) The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into
under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.

Great Lakes Local Environmental Plan 2014 (GLLEP 2014)

The site is bushfire prone and in accordance with Section 79BA and 91 of the EPAA 1979 and Section 100B of the Rural Fires Act 1997, the application is for Integrated Development and requires a Bush Fire Safety Authority to be issued by the Rural Fire Service (RFS). The application was referred to the RFS and they have issued a Bush Fire Safety Authority subject to conditions. Those conditions could be included in a favourable determination of this application. Should the Council endorse this report's recommendation then the recommended re-design would require referral to the RFS for a revised Bush Fire Safety Authority.

Great Lakes Local Environmental Plan 1996 (GLLEP 1996)

The application was submitted on 23 August 2013 and prior to the gazetted on 4 April 2014 of Great Lakes Local Environmental Plan 2014 (GLLEP 2014). GLLEP 2014 contains a savings provision (ref. clause 1.8A) that, where an application is lodged prior to the commencement of the Plan and the application has not been finally determined, the application must be determined as if the Plan had not commenced. Notwithstanding, Council should give weight to the provisions of GLLEP 2014, and the level of weight will depend on the imminence and certainty of the relevant provisions of the Plan. The provisions of GLLEP 2014 will be considered under the later heading Public Interest. Accordingly, the provisions of GLLEP 1996 (the relevant Environmental Plan at the time of lodgement of the subject development application) will be considered as follows.

The site is zoned 2(a) Low Density Residential Zone under GLLEP 1996 within which subdivision is a permissible form of development with development consent (ref. clause 17). The relevant objectives of the zone are to enable residential development so that buildings within the zone will consist primarily of housing that generally does not exceed two storeys and has private gardens. The proposed subdivision is considered to be consistent with the emerging scale and nature of residential development in the locality and with the objectives of the zone.

Clause 10 of GLLEP 1996 relates to Council’s Tree Preservation Order that applies to this locality. The proposed subdivision, as a result of the conditions of the RFS Bush Fire Safety Authority, will require the removal of three trees next to the ‘clear turning area’ as indicated on plan as well as other vegetation in order to comply with the RFS Inner Protection requirements. Further trees may require approval based on the final approved footprint of potential future development.

Clause 11 of GLLEP 1996 relates to landform modifications associated with a development. The proposed subdivision may involve limited excavation works to install services and issues of soil erosion, sedimentation and drainage impacts could be responsibly managed during execution of those works. Future residential development will include more significant earthworks that would be controlled through conditions of development consent for those works.

Clause 12 of GLLEP 1996 requires suitable water supply and facilities for the removal of sewage to be available to the site. The subject land has access for connection to reticulated water and sewerage. MidCoast Water has granted connection approval subject to conditions that could be included with a favourable determination of this application.

State Environmental Planning Policy No. 71 - Coastal Protection (SEPP 71)

The site is in the coastal zone but is not within a sensitive coastal location. The proposed subdivision is considered to be satisfactory having regard to the relevant aims and the matters for consideration as provided in SEPP 71. The proposed development does not detract from the environmental qualities of the coastal zone.

Coastal Protection Act 1979
The development is considered to be satisfactory having regard to the objects and special provisions of the Coastal Protection Act 1979. The proposed development does not detract from the environmental qualities of the coastal zone.

**NSW Coastal Policy 1997**

The development is considered to be satisfactory having regard to the goals and strategic actions of the Coastal Policy and in its context does not detract from the environmental qualities of the coastal zone.

**Development Control Plan No. 31 - Subdivision**

The Plan is intended as a guideline to be used when designing and assessing proposed subdivision. The Plan applies to the proposed development that includes the subdivision of the existing 1094m² residential lot into two lots with areas of 524m² and 570m². The Plan is an objective based document with a performance approach to allow flexibility to the numerical performance controls where strict compliance is considered unreasonable or unnecessary provided it can be demonstrated that the Plan’s underlying objectives and design principles have been achieved.

The relevant aims and objectives of the Plan are as follows:

- **Protect and enhance the environment**
  
  **Comment:** The proposed subdivision does not significantly impact on the environment qualities of the locality.

- **To ensure that development is carried out to a consistent standard**
  
  **Comment:** The proposed subdivision is generally considered to be consistent with the emerging subdivision character of the locality. The issue of vehicular access to proposed lot 1 requires a revised design as will be considered in this report.

- **Protect the amenity of existing development and locality**
  
  **Comment:** The proposed subdivision does not create an unreasonable amenity relationship with neighbouring development and is not considered to detract from the general residential amenity of the locality.

- **Facilitate diversity in housing choice**
  
  **Comment:** The proposed subdivision enables small lot housing, a reasonable choice in a low density residential environment.

- **Ensure utilities and road network capacity to sustain development**
  
  **Comment:** The availability of existing utilities and the road network are considered adequate to support the proposed subdivision.

- **Optimise use of existing infrastructure**
  
  **Comment:** The proposed subdivision ensures optimisation of the existing infrastructure having regard to the zoning of the locality and the proximity to the existing commercial centre.

- **Ensure environmental hazards are adequately addressed**
  
  **Comment:** There are no environmental hazards that pose a significant threat to the proposed development. The hazard of bushfire has been addressed by the RFS with conditions that could be included in a favourable determination of this application.

- **Encourage innovative design**
  
  **Comment:** The proposed subdivision design will accommodate two suitably sized dwelling houses with reasonable standards of residential amenity that can be served by the existing vehicular access from Bellman Avenue. Such an outcome would require a revised design for vehicular access to proposed lot 1.
• Encourage energy efficiency

**Comment:** The proposed subdivision design ensures reasonable solar access for future residential development.

The Plan is structured to provide general requirements for subdivision and specific requirements for subdivision in urban and rural areas. The following table addresses the relevant numerical requirements for each section and identifies any non-compliance. The discussion that follows the table addresses the relevant provisions of the Plan.

<table>
<thead>
<tr>
<th>Controls</th>
<th>Proposed Subdivision</th>
<th>DCP 31</th>
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<tr>
<td><strong>General Requirements</strong></td>
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<tr>
<td>Frontage</td>
<td>Proposed lot 1 - one frontage</td>
<td>one frontage only excl. corner lot</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Proposed lot 2 - one frontage</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Controls for Residential Subdivision</strong> (refer ‘Allotment Dimensions’ in text that follows)</td>
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<tr>
<td>Lot size - greater than 450m$^2$</td>
<td>Each proposed lot is sized to enable future residential development with compliant building footprint and POS in excess of 40m$^2$ with dimensions in excess 4.0m</td>
<td>capable of containing building dwelling footprint within 8x20m or 10x16m behind building line and POS 40m$^2$ with min. 4.0m dimension</td>
<td>Yes</td>
</tr>
<tr>
<td>Battle-axe Lot design</td>
<td>No shared driveway</td>
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<td>Outlook provides enhanced amenity</td>
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<td>Slope</td>
<td>13 degrees (approx.) (based on submitted plan)</td>
<td>&gt; 9 degrees is not encouraged</td>
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<tr>
<td>Access corridor width</td>
<td>1.0 metre</td>
<td>4.0 metres (min)</td>
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<tr>
<td></td>
<td>1.0 metre</td>
<td>3.0 metres (min)</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>20.0 metres</td>
<td>40 metres (max)</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Site Considerations**

The proposed subdivision design has been developed mindful of the attributes and constraints of the site and having regard to the development potential for the site. Vehicular access via the right of carriageway to the proposed rear lot 1 from Lakeside Crescent is not desirable given the lack of sight distance at the junction of the right of carriageway and the road (refer to the heading below Access). This issue could be addressed by widening the proposed battle-axe handle and accessing the existing access track that connects to Bellman Avenue, to the south. This would enable a steep driveway up to the site proper. Alternatively the proposed battle axe handle could be increased in size at its western end to accommodate two off-street parking spaces that would serve lot 1 and with proposed lot 2, share access from Bellman Avenue. The latter option is considered to be the preferred outcome given the likely grades of a driveway from the first alternative and the unnecessary reduction in width of proposed lot 2 for its full depth. Other than the issue of vehicular access the proposed subdivision design is considered suitable for the site and having regard to the emerging character of the locality.
The slope of the site is slightly steeper than the maximum encouraged in the Plan (ie. 13 degrees in lieu of 9 degrees based on the plan submitted). The proposed development would not create any adverse implications for future residential development and the issue of vehicular access to proposed lot 1 could be reasonably achieved as discussed above and as recommended.

Site Hazards
There are no significant environmental hazards that pose a threat to the proposed development and any future residential development on either of the two proposed lots. The issue of bushfire has been addressed by the RFS in their recommend conditions that could be included in a favourable determination of the application. Should the Council endorse this report's recommendation then the recommended re-design would require referral to the RFS for a revised Bush Fire Safety Authority.

The proposed recommended development outcome for the site is not considered to have a significant environmental impact on the locality.

Access
The relevant objective of the Plan is to ensure safe and convenient access is available to each of the proposed lots. Proposed lot 1 has vehicular access north via a right of carriage way, to Lakeside Crescent. Australian Standard AS 2890.1 - Off-street Car Parking indicates that required sight distance at a domestic property access where the road has a speed limit of 60km/h is 55 metres. The available sight distance at this location is considerably less than the amount required in the Australian Standard and is estimated to be at 22.0 metres for vehicles turning left out of the right of carriage way and 15 metres for a vehicle travelling east on Lakeside Crescent. Council has obtained traffic and speed counts for this section of Lakeside Crescent that indicate the 85th percentile speed is 47.2kph however, recorded vehicle speeds exceeded the posted limit (ie. 60kph) with a maximum speed of 78kph. Average traffic volume was 988 vehicles per day. During the school vacation period traffic volumes increased to an average of 1753 vehicles per day with a maximum speed of 77kph. This information highlights the safety concerns raised by Council in respect of this access to Lakeside Crescent.

Given that the available sight distance at the right of carriage way intersection with Lakeside Crescent is significantly less than required, it is considered that this access point would have safety implications for vehicles at the location. The sight distances would also not comply with the requirements of the NSW Roads and Maritime Services. The applicant agrees that a right turn into and out of the right of carriage way is unsafe and the customary means of entry and exit is using left turn only (ref. Statement of Environmental Effects). In order to address the safety issue, it is recommended that any subdivision of the lot retain access rights along the right of access to Bellman Avenue and that this become the primary access point for the development (refer to the earlier heading Background that explains how the right of carriage way to Lakeside Crescent was created).

The recommended design outcome (based on the information submitted) can be readily achieved by increasing the battle-axe handle width to the proposed rear lot (to the specifications contained in the above table) so as to accommodate vehicular access from the existing gravel track that connects with Bellman Avenue, to the south. The applicant agrees that there are no safety issues with this access connection.

Accordingly, subject to the recommended design outcome, access would be consistent with the objective of the Plan.

Site Design and Landscaping
The proposed subdivision design ensures that a reasonable balance can be achieved between soft and hard visual features that contribute to the environmental qualities of the locality.

Services
The site has access to suitable urban services. MidCoast Water has indicated that suitable water and sewage services are available to the site. Electricity and telephone are readily available in this locality and easements for services are minimised in the recommended design. Accordingly, the proposed subdivision is consistent with the relevant objectives of the Plan concerning the availability of services.

**Drainage**

Any residential design outcome for the site can satisfactorily manage stormwater run-off so that stormwater is not directed to neighbouring properties and is managed on site to acceptable water quality standards, as specified in Council’s Development Control Plan 54 - Water Sensitive Design.

**Existing Development**

The proposed subdivision enables the development of either lot with a building design that maintains a reasonable amenity relationship with existing neighbouring development.

**Environmental Protection**

The proposed development will not adversely impact on unique or sensitive environments. Future residential development would be required to manage stormwater to acceptable water quality standards and require suitable measures to address erosion and sediment control.

**Allotment Orientation**

The proposed subdivision design creates two suitably sized lots that reflect the subdivision character of the locality, ensures appropriate solar access and access to prevailing breezes and maintains a reasonable amenity relationship with the neighbouring development.

**Allotment Dimensions**

The proposed subdivision creates two allotments of similar areas with configurations that will enable future residential development well suited to people with differing housing needs.

The proposed design of the battle-axe handle to proposed lot 1 should be revised as discussed under the above heading Access.

**Development Control Plan No. 39 - Pacific Palms**

The Plan is an objective based document with a performance approach to allow flexibility to the numerical performance controls where strict compliance is considered unreasonable or unnecessary provided it can be demonstrated that the Plan’s underlying objectives have been achieved. The Plan applies to all development within the catchment and accordingly the Plan applies to the subject site and to the proposed development.

The proposed subdivision is generally considered to be consistent with the emerging residential character of the Pacific Palms locality, as expressed in the vision statement contained in Part 2 of the Plan (ie. To enable sustainable development that enhances the village character of each village and protects the natural setting of Pacific Palms).

In accordance with Part 3 - Site Planning Controls for all Developments:-

- the relevant environmental hazard is bushfire. In that regard the Rural Fire Service supports the proposed development subject to conditions that could be included with a favourable determination of the application. Should the Council endorse this report’s recommendation then the recommended re-design would require referral to the RFS for a revised Bush Fire Safety Authority.
the proposed development does not adversely impact on the acknowledged broad habitat corridor that follows the coastline and includes the subject site.

any residential design outcome for the site can satisfactorily manage stormwater run-off so that stormwater is not directed to neighbouring properties and is managed on site to acceptable water quality standards, as specified in Council’s Development Control Plan 54 - Water Sensitive Design.

The compliance table below indicates the proposed development assessed against the relevant performance controls contained in Part 4 - Controls for Residential Development, of DCP 39. Following the table relevant performance controls are discussed and evaluated having regard to the underlying objectives of those controls.

<table>
<thead>
<tr>
<th>Control</th>
<th>Proposed Development</th>
<th>DCP 39</th>
<th>Comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>&gt; 450m³/dwelling</td>
<td>Min. 450m³/dwelling</td>
<td>Yes</td>
</tr>
<tr>
<td>Lot Size</td>
<td>524m² &amp; 550m²</td>
<td>450m² (min.)</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Density & Lot Size**

The objective of these controls is to maintain the existing low density amenity and coastal village character of the locality. The proposed development is considered to be generally consistent with the emerging residential subdivision character of the locality and with the relevant objectives of the DCP subject to the issue of access, that is discussed under the earlier heading Development Control Plan No. 31 – Subdivision - Access.

The proposed subdivision design will enable the future construction of residential development that is consistent with the relevant provisions of the Plan.

**Car Parking and Access**

The relevant objective of the Plan is to encourage safe and efficient movement of vehicles. In this regard proposed vehicular access to the proposed rear lot 1 is considered unsatisfactory for the reasons discussed previous under the heading Development Control Plan No. 31 – Subdivision - Access.

**Erosion and Sediment Control Policy**

The aim of this policy is to minimise erosion and sedimentation in catchments, resulting from the disturbance of the soil surface associated with building works, changes in land use and urban development, the installation of services and road construction and maintenance. This is to ensure that potential pollutants are not directed to natural and artificial water bodies.

The construction works associated with the proposed development will be very limited and issues in respect of erosion and sediment control can be addressed by appropriate conditions of consent if the application is to be favourably determined.

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

**Context and Setting**

The proposed development is generally consistent with the emerging residential subdivision pattern in this coastal village subject to a re-design of the access to proposed lot 1.
Site Design

The proposed subdivision creates two (2) lots suitable for residential development. Access to the proposed rear lot should be re-designed in accordance with this report's recommendation and as discussed under the earlier heading Development Control Plan No. 31 – Subdivision - Access.

Views

The proposed development does not raise any concerns regarding loss of neighbouring views.

Privacy (Aural and Visual)

The proposed development does not raise any concerns regarding loss of privacy.

Access and Traffic

These issues were addressed earlier under the heading Development Control Plan No. 31 – Subdivision - Access and requires a revised design, as recommended.

Flora and Fauna

The proposed development raises no significant ecological issues.

Section 94 Contributions

The development generates a requirement for a Section 94 contribution given the proposed increase in potential residential density. This issue can be addressed by a condition if the application is favourably determined.

Cumulative Impacts

The proposed development as recommended does not establish an undesirable precedent for further development in this locality. In fact it informs the owners of neighbouring properties of Council’s preferred access outcome.

c) The Suitability of the Site for the Development

The topography and configuration of the site are suitable for the proposed development and likely future residential use. Environmental issues are limited and satisfactorily addressed in the proposed design and adequate utility services are available.

The site will be managed to limit the potential for spread of bushfire from neighbouring vegetated lands. The site is not susceptible to any other natural hazards to a significant extent.

Accordingly, the site is considered to be generally suitable for the proposed development subject to resolution of the vehicular access outcome for proposed lot 1, as recommended.

d) Any Submissions Made in Accordance with the Act or Regulations

The application was notified to neighbouring property owners in accordance with Council’s Policy and no submissions were received.

e) The Public Interest

Great Lakes Local Environmental Plan 2014 (GLLEP 2014)

The subject development application was lodged before the gazettal of GLLEP 2014. GLLEP 2014 is therefore considered to be a matter of public interest for consideration in the determination of this development application, in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. Accordingly, the relevant provisions of GLLEP 2014, will be discussed, as follows.

Part 1.2 - Aims of the Plan
The relevant aims of the Plan are to protect and enhance the environmental, scenic and landscaped assets of the area and to facilitate the orderly and sustainable economic development of land. The proposed development is considered to be generally consistent with these aims.

**Part 2 - Land use table**
The site is identified in the Plan as being within an R2 Low Density Residential Zone. The proposal is a permissible form of development in the zone with development consent (ref. clause 2.6). The relevant objective of the zone is to provide for housing needs of the community within a low density residential environment. The proposed subdivision is considered to be contextually appropriate having regard to the emerging scale and nature of residential development in this locality and is therefore considered to be consistent with the relevant objective subject to the re-design, as recommended.

**Part 4 - Principal development standards**
This Part identifies various numerical development standards for proposed development. The relevant development standards are:

4.1 - **Minimum Subdivision Lot Sizes** - The relevant objectives of the standard are to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure and to ensure lots are of a sufficient size and shape to accommodate future development permissible in the zone. The minimum lot size in the proposed draft R2 zone will be 450m². The proposed subdivision creates two (2) lots with areas of 524m² and 570m² enabling the development of a suitably sized and positioned dwelling house on each of the proposed lots. The proposed subdivision is considered to be consistent with the lot size objectives and compliant with the numerical provisions subject to the re-design, as recommended.

**Part 5 - Miscellaneous provisions**

5.5 - **Development within the coastal zone** - The relevant objectives of the clause are to provide for the protection of the coastal environment through promoting the principles of ecologically sustainable development and to implement the principles of the NSW Coastal Policy (discussed earlier in this report under the heading NSW Coastal Policy 1997). The proposed subdivision is considered to be generally consistent with the above objectives having regard to the matters listed for consideration under clause 5.5.

**Part 7 - Additional local provisions**

7.1 - **Acid sulphate soils** - The objective of the clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. The Acid Sulphate Soils Planning Map identifies the site as class 5 land. The requirements of the Class 5 category apply to works within 500 metres of Classes 1,2,3 or 4 that would lower the water table in those classes below 1 metre Australian Height Datum. The site is within 500 metres of an adjoining classes 1, 2 and 3 however as there is no proposed building work it is unlikely that there will be any impact on the water table in the adjoining classes. Similarly, future residential development is unlikely to give rise to potential acid sulphate concerns.

7.2 - **Earthworks** - The objective of this provision is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land. The proposed subdivision may involve limited excavation works to install services and issues of soil erosion, sedimentation and drainage impacts could be responsibly managed during execution of those works. Future residential development will include more significant earthworks that would be controlled through conditions of development consent for those works. Accordingly, the proposed development will be consistent with the objective of this clause.

7.3 - **Essential services** - This clause requires that development consent must not be granted to development unless the Council is satisfied that essential services (ie. water, electricity, sewage,
stormwater drainage and road access) are available or that adequate arrangements have been made to make them available. The proposed development has access to all relevant necessary services subject to the conditions that could be included with a favourable determination of this application.

Other than the issue of access to the proposed rear lot, there are no adverse matters relevant to the public interest in relation to the proposed development. The proposal, subject to the recommended re-design, will not detract from the character of the existing streetscape or the general locality, nor will it undermine any of the social or economic values of the site or surrounding area. The proposal (subject to the issue of access) is considered to be consistent with the objectives of the relevant zone and will not have an unreasonable impact upon neighbouring properties.

Accordingly, support of the proposed development would not be contrary to the public interest.

CONCLUSION:

The development has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be a reasonable development suitable for the site and in the context of the locality subject to the design being revised to permit vehicular access to proposed lot 1 from the existing gravel track that connects to Bellman Avenue.

Accordingly, consideration of the application should be deferred with the view to the applicant revising the proposed subdivision design. Should the Council endorse this report’s recommendation then the recommended re-design would require referral to the RFS for a revised Bush Fire Safety Authority.

RECOMMENDATION:

It is recommended that consideration of DA 60/2014 for the two (2) lot residential subdivision of Lot 214 DP22434, 6 The Lakes Way Elizabeth Beach be deferred with the view to the applicant revising the proposed design to enable vehicular access to the proposed lot 1 from the gravel track to the western end of the existing site that connects to Bellman Avenue, to the south. The design should include a widening of the proposed battle-axe handle, at its western end, to enable the parking of two (2) vehicles associated with the future occupants of lot 1. In conjunction with the revised subdivision design a driveway gradient design compliant with Australian Standard AS 2890.1 should be submitted demonstrating that reasonable vehicular access can be achieved to parking for both proposed lots with access to/from Bellman Avenue in a forward direction.
ANNEXURES:

A: Plan of proposed subdivision.

PROPOSED SUBDIVISION OF 6 THE LAKES WAY ELIZABETH BEACH

FIGURE 1 (Source: Client, Not to Scale)
B: Applicant / Owner's submission in support of the application

13th January 2016
Dr John R Watts

The General Manager
Great Lakes Council
P O Box 459
Forster NSW 2428

Dear Sir

DA 60/2014 Subdivision of 6 The Lakes Way Elizabeth Beach

The Development Control Committee considered this proposed subdivision on the 29th January 2015.

The only negative issue arising was that of safety at the junction of the Right of Carriageway, which serves the top of the property, and Lakeside Crescent. This is because the sight distance between an entering vehicle and an approaching vehicle is less than the 55 metres required by the Australian Standard for a 60km/h speed limit. The author of the business paper suggests that in order to avoid using this junction both lots should be accessed from the bottom track, which is in the Lakes Way road reserve.

The paper suggests that because of the steepness of the site vehicular access to the top lot would not be preferred, instead the "design should include a widening of the proposed battle-axe handle, at its western end, to enable the parking of two (2) vehicles associated with the future occupants of lot 1."

This means the house on lot 1 (top lot) would have a floor level about 10 metres higher than its parking space.

I do not regard this as a satisfactory arrangement.

There are already four houses served by the Right of Carriageway, all entering and exiting Lakeside Crescent with no known accidents in the 30 or 40 years the houses have been there. Council in that time appears never to have seen the need to install any warning signs. Actual speeds from Council's traffic surveys show that 85 per cent of vehicles travel at less than 47km/h. This 85th percentile is normally used in fixing speed limits. Still, even though the low actual speeds do explain the lack of accidents, the Australian Standard requires sight distance to be commensurate with the "posted speed limit".
I should be noted that even if I built parking spaces at the bottom of the property, as suggested by the paper, I would still have a legal right to use the Right of Carriageway from Lakeside Crescent to access the property.

Following a submission that I made to Roads and Maritime Services, the RMS has reduced the speed limit on Lakeside Crescent. It is now 50km/h, which better reflects the low actual speeds and it has already been signposted. A speed limit of 50 km/h requires a sight distance of 40 metres for access to the Right of Carriageway according to the Australian standard. A surveyor has measured the actual sight distance at 41.6 metres therefore the Right of Carriageway now meets the Australian standard.

We are now, therefore, at a point where there is no sustainable ground for considering the junction at Lakeside Crescent as unsafe. One would think that the council would feel relieved at this state of affairs, brought about by the speed limit change, and would now be happy to approve the proposal. The Rural Fire Service are also happy with the proposal because it provides a turning area for a cat7 fire-fighting vehicle where none exists in the Right of Way at present.

The business paper considered all aspects of the proposal, apart from the sight distance, to be satisfactory.

In view of all the above I ask that Council now approve the proposal as submitted; attached for your information is the surveyor’s report on sight distance.

Yours sincerely,

Dr John R. Watts
### Client
**DR. J. WATTS**

### RENNIE GOLLEDGE PTY LTD

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plan showing sight distances from right of carriageway within lots 209 to 212, DP 237875 &amp; lots 213 &amp; 214, DP 22434 at Lakeside Crescent, Elizabeth Beach</td>
<td>File: 14/1770  Date: 15/1/2016  Latitude: 1/290(64)  Drawn: PE  Sheet: G11770</td>
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</tbody>
</table>
DETAILS:
Date Received: 21 October 2015
Applicant: Moore Design
Owner: Mr DN Furney & Mrs KM Furney
Land: Lot 10 DP 250863, 84 Boomerang Drive, Boomerang Beach
Area: 650.4m²
Property Key: PK 9022
Zoning: R2 - Low Density Residential, GLLEP 2014

SUMMARY OF REPORT:
- Development Application submitted seeking consent for the erection of a single storey building for use as a medical centre (dental surgery).
- Application notified to neighbouring property owners in accordance with Council's Policy and submissions were received from four (4) neighbouring properties.
- Amended plans submitted addressing issues raised by Council staff and neighbours.
- Proposed development generally considered to be consistent with the various relevant planning controls.

SUMMARY OF RECOMMENDATION:
That the Development Application be approved subject to conditions.

FINANCIAL/RESOURCE IMPLICATIONS:
Cost of defending any appeal against Council's decision.

POLICY IMPLICATIONS:
Nil.

LEGAL IMPLICATIONS:
A decision for approval subject to conditions or refusal may lead to an appeal in the Land and Environment Court requiring legal representation.

LIST OF ANNEXURES:
A: Plans of proposed development.

LIST OF ATTACHMENTS:
Nil.
SUBJECT SITE AND LOCALITY:
BACKGROUND:

There is no relevant development history for the site other than a meeting of the Development Assessment Panel on 8 September 2015 at which the prospective owners presented the proposed development. Since lodgement of this application Council has negotiated a number of design revisions with the applicant that have now been presented as amended plans and are subject of this report. Those revisions include:

1. Increasing the south western external wall side boundary setback from 900mm and 1500mm to 1700mm and 2300mm. Accordingly, overhanging eaves will be setback from 400mm to 1150mm. Landscaping will be provided within the setback as well as stepping stone access from consulting room two (2) to the rear of the site. The existing side boundary fence and lattice screen will be retained.
2. Reducing the north eastern side boundary setback for the retaining wall from 1500mm to 1300mm.
3. Relocating the external door to the south western side of the laboratory further to the rear, off consulting room two (2).
4. Providing opaque glass in the highlight window to consulting room two (2).
5. Business hours will reduce from Monday to Saturday 8.00am to 6.00pm down to Monday to Friday 9.00am to 6.00pm except for emergencies. The business will not operate on Saturday or Sunday.

PROPOSAL:

To remove two (2) existing trees on the currently undeveloped site and excavate approximately the rear three-quarters of the site to establish a level platform on which to construct a single storey building designed for use as a medical centre for dental surgery. The proposed building will be elongated and sited to the southern side of the site. Access to off-street parking for six (6) vehicles including a space suitable for use by a person with a disability will be located to the northern side of the proposed building. The roof of the proposed building will extend as a covered area to the rear of the site with a rear boundary landscaped setback.

A business identification sign will be attached to the front (western) wall of the proposed building.

A rain infiltration garden will be located within the front building setback.

The dental practice will be conducted by two (2) dentists, two (2) clinical assistants and one (1) receptionist serving an expected twenty (20) patients per day. The use will operate five (5) days per week (Monday to Friday 9.00am to 6.00pm) except for emergencies. The business currently operates by lease near the Blueys Beach shopping centre however that property is now for sale and the lease will not be renewed.

SITE DESCRIPTION:

The site is located to the eastern side of Boomerang Drive just south of the Kamang Drive and Marilyn Place intersection, opposite the Pacific Palms Public School and is currently undeveloped. The site slopes upward from its front to rear boundaries (a fall of approximately 2.7 metres). There are two (2) trees on the site, one (1) adjacent to the southern side boundary, the other to the rear. Residential development is located on each of the adjoining properties.

REPORT:

The following matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979, are relevant in considering this application:
The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.

**Environmental Planning and Assessment Act 1979 (EPAA 1979)**

The subject site is mapped as bush fire prone and in accordance with Section 79BA of the EPAA 1979 the application is to be assessed having regard to the provisions of the publication ‘Planning for Bushfire Protection 2006’. In this regard the application was referred to the Rural Fire Service (RFS). The RFS support the proposed development subject to conditions that are included in this report’s recommendation.

**Great Lakes Local Environmental Plan 2014 (GLLEP 2014)**

The following consideration addresses the relevant provisions of the Plan.

**Part 1.2 - Aims of the Plan**

The relevant aims of the Plan are to protect and enhance the environmental, scenic and landscaped assets of the area and to facilitate the orderly and sustainable economic development of land. The proposed development is considered to be consistent with these aims.

**Part 2 - Land use table**

The site is located in a R2 Low Density Residential Zone and the proposed use (medical centre) is a permissible form of development in the zone with development consent. The relevant objective of the zone is to enable land uses other than residential that provide facilities or services to meet the day to day needs of residents. The proposed development is contextually appropriate and considered to be consistent with this objective.

**Part 4 - Principal development standards**

This Part identifies various numerical development standards for proposed development. The relevant development standards are:

4.3 - Height of building - The relevant objectives of the standard are to ensure the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality. The proposed single storey development (at a maximum height of approx. 5.0 metres) sits below the desired 8.5 metres maximum height control in a built environment comprised of one (1) and two (2) storey residential buildings. The proposed single storey building is not considered to unreasonably impact on the residential amenity relationship with neighbouring properties. The proposed development is considered to be consistent with the relevant objectives for building height.

4.4 - Floor space ratio - The relevant objectives of the standard are to ensure the scale of proposed development is compatible with the existing environmental character of the locality. The maximum floor space ratio for the R2 zone is 0.5:1.00. The proposed development complies with this standard, having a maximum of 0.23:1.00 and is considered to be contextually appropriate in this locality having regard to the relevant objectives for floor space ratio.

**Part 5 - Miscellaneous provisions**

5.5 - Development within the coastal zone - The relevant objectives of the clause are to provide for the protection of the coastal environment through promoting the principles of ecologically sustainable development and to implement the principles of the NSW Coastal Policy (discussed later in this report under the heading NSW Coastal Policy 1997). The proposed development is considered to be consistent with the above objectives having regard to the matters listed for consideration under clause 5.5.
Part 7 - Additional local provisions

7.1 Acid sulfate soils - The objective of the clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. The Acid Sulphate Soils Planning Map identifies the site as class 4 land. The requirements of that class relate to excavations more than 2.0 metres below natural ground level or works by which the water table is likely to be lowered more than 2.0 metres below the natural ground surface. The proposed development will require excavation to the rear of the site to depths of up to approximately 1.7 metres. Issues concerning acid sulfate soils are unlikely to arise however a condition is included in this report's recommendation drawing the applicant's attention to this issue. Accordingly, the proposed development is considered to be consistent with the objective of the clause.

7.2 Earthworks - The objective of this provision is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land. The proposed development includes excavation works to the rear of the site to depths of up to approximately 1.7 metres. Issues of soil erosion, sedimentation and drainage impacts will be managed during and after construction and appropriate conditions are included in this report's recommendation. Accordingly, the proposed development will be consistent with the objective of this clause.

7.5 Stormwater Management - The objective of this clause is to minimise the environmental impacts of stormwater on the site and adjoining properties, native bushland, groundwater, wetlands and receiving waters. The site is located on the back of a sand dune. The proposed development incorporates a stormwater management design that directs roof water to a 5000 litre storage tank with overflow to a rain garden in the front building setback that also collects the bulk of stormwater from the proposed parking areas. Overflow from the rain garden then flows to the street gutter in which a Council stormwater drainage inlet is located to the frontage of the property. The proposed stormwater management system is considered to be consistent with the objective of this clause.

7.21 Essential services - This clause requires that development consent must not be granted to development unless the Council is satisfied that essential services (ie. water, electricity, sewage, stormwater drainage and road access) are available or that adequate arrangements have been made to make them available. The proposed development has access to all relevant necessary services subject to the conditions contained in this report's recommendation.

State Environmental Planning Policy No.71 – Coastal Protection (SEPP71)

The provisions of SEPP71 apply to the proposed development as the land is located within the Coastal Zone. The site is not located in a Sensitive Coastal Location, as defined by SEPP71.

The proposed development is considered to satisfactorily address both the aims and the relevant provisions of SEPP 71.

State Environmental Planning Policy No. 64 (SEPP64)

The aims of this Policy are to ensure signage is compatible with the desired amenity and visual character of an area; provides effective communication in suitable location and is of a high quality design and finish.

The proposed development includes a 'business identification sign' attached to the front wall of the building (4.0 metres wide x 1.0 metre high). The Policy requires Council to be satisfied that proposed signage is consistent with the above aims and that the application satisfies the assessment criteria specified in Schedule 1 of the Policy.

The proposed 'business identification sign' is considered to be satisfactory having regard to the assessment criteria and the relevant aims of the Policy.
Development Control Plan 2014 (DCP 2014)

The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved.

The relevant provisions of the Plan are discussed as follows:

Part 3 - Character Statements - The proposed use will complement the desired character of this coastal locality, maintaining the village's natural setting and providing a service that meets the needs of the local community, consistent with the relevant objective of the R2 zone (ref. GLLEP 2014).

Part 4 - Environmental Considerations - The site is not prone to any significant natural hazard. The proposed development will not adversely impact on the local ecology.

Part 5 - Single Dwellings, Dual Occupancies, Villas and Townhouses - The designer submits that although not a residential proposal, the proposed development sits within a R2 residential zone and therefore aims to comply with the character of such areas, through compliance with the following provisions of Part 5:

5.1 - Solar Access & Overshadowing - Impacts are minimised by a suitably located low single storey design.
5.2 - Views & Privacy - There will be no loss of views and privacy is maintained by generally locating windows to the north eastern elevation that enjoys the greatest boundary offsets. The highlight opaque glass window and the proposed door in the south western external wall of the building will not unreasonably impact on the privacy of the adjoining two dwelling units.
5.3 - Energy Efficiency - The proposed building has large north facing windows and wide eaves, stormwater is collected for reuse and low water use fixtures will be used and appropriate areas will have LED lighting.
5.4 - General Building Design - The proposed building is single storey with an articulated form, off-street parking will be screened behind native planting and accessed by a 6.0 metres wide driveway opening. The entry to the Dental Surgery is visible from both the car park and the street. Proposed 1100mm wide eaves provide for optimum passive solar control. The proposed building is set midway up the site to minimise excavation whilst maintaining safety and accessibility to the car park and street. External materials will be neutral in colour.
5.5 - Setbacks - Proposed setbacks allow privacy, solar access and landscaping. The proposed front setback is compliant at 4.5 metres and the articulation zone is compliant. The south western side boundary setback at 1700mm to 2300mm complies with the minimum 1500mm setback for residential development in the Pacific Palms area and maintains a reasonable amenity relationship with the two (2) adjoining dwelling units.
5.6 - Building Heights - The single storey building is compliant with the 8.5m maximum.
5.7 - Cut & Fill - This will occur to the rear of the site with two (2) terraced areas with 900mm high retaining walls. The street frontage remains open with generous landscaped areas.
5.8 - Private Outdoor Areas - A covered north facing outdoor space is provided for staff.
5.9 - Fencing & Walls - There is no fencing and walls to the frontage. A 1.5m high fence will be provided along the rear boundary.

Part 6 - Residential Apartment Buildings, Mixed Use Development and Business Premises - The controls contained in this Part do not specifically address commercial or retail buildings that do not contain a residential component however they should be considered when designing this type of development. The design, scale, height and siting of the proposed development is considered to be contextually appropriate in this R2 Low Density Residential zone and positively contributes to the streetscape character.
Safe pedestrian access to the site is readily available and off street parking facilities are available for staff and patients, including a space suitable for use by a person with a disability. The proposed use and building design ensures a reasonable privacy and shadowing relationship with neighbouring residential development.

Proposed side and rear setbacks and the positioning of fenestration ensure a reasonable amenity relationship with neighbouring residential development.

Part 10 - Car Parking, Access, Alternative and Active Transport - The relevant objectives are to ensure that there is adequate and safe provision for access, manoeuvring and parking on site, to restrict vehicular access to buildings in a manner that is compatible with pedestrian movements and safety, to integrate vehicular access and parking facilities without compromising street character or landscaping and to provide an adequate level of on-site parking based on anticipated occupancy rates and proximity to alternate and active transport.

The DCP defers to the RMS document 'Guide to Traffic Generating Developments 2002' for required parking rates for the proposed use. Professional Consulting Room rates are three (3) spaces per consulting room. The proposed use consists of two (2) surgeries generating a demand for six (6) off-street parking spaces that are provided on site including one (1) space suitable for use by a person with a disability. Furthermore, the Guide permits in respect to the proposed use that a reduction in this number may be possible if convenient on-street parking is available subject to such spaces not adversely affecting the amenity of the neighbouring area. The proposed development is not dependant on on-street parking.

The Guide also addresses medical centres that have hours of operation that extend beyond normal business hours and suggests four (4) off street parking spaces per 100m² of gross floor area. This is based on a survey conducted by the RMS in 1991 for Sunday and Monday demands. The proposed use will operate Monday to Saturday 8.00am to 6.00pm and using the per square metre rate generates a demand for 6.0 spaces (rounded up from 5.8 spaces) that are to be provided on site.

Accordingly, the number of proposed off-street parking spaces complies with either of the above analysis and is considered adequate for the proposed use.

The off-street parking is suitably located and designed to allow safe forward entry and exit to/from the site. The 6.0 metre wide driveway occupies 28.1% of the frontage contrary to the desired maximum of 25.0%. The insignificant excess is considered acceptable having regard to the presentation of the development to the streetscape, the desirable two-way entry/exit design and the relevant objectives of the Part.

Covered bicycle parking is also provided to the rear of the site that complies with Council's requirements.

Part 11 - Water Sensitive Design - The relevant objectives are to reduce the consumption of potable water, to reduce waste water discharge into the receiving environment, to harvest wastewater and urban stormwater runoff where appropriate. The site is located on the back of a sand dune. The proposed development incorporates a stormwater management design that directs roof water to a 5000 litre storage tank with overflow to a rain garden in the front building setback that also collects the bulk of stormwater from the proposed parking areas. Overflow from the rain garden then flows to the street gutter in which a Council stormwater drainage inlet is located to the frontage of the property. The proposed stormwater management design is considered to satisfactorily address the Plan's requirements and objectives subject to conditions that are included in this report's recommendation.

Part 12 - Tree and Vegetation Preservation - The relevant objectives are to ensure the proper consideration is given to trees and native vegetation in designing, planning and constructing development; minimise injury or destruction of trees and native vegetation; conserve trees and vegetation of ecological, heritage, aesthetic and cultural significance and to balance the removal of trees and vegetation with the planting of suitable local indigenous species that positively contribute to the visual amenity, environmental function and ecological sustainability.
The proposed development requires the removal of two (2) existing Angophora trees. To offset the loss of these trees, native landscaping is proposed for the site. Accordingly, the proposed development is considered to be consistent with the relevant objectives of this Part having regard to the matters listed for consideration.

**Part 13 - Landscaping and Open Space** - In this regard the proposed use has been assessed under the objectives and provisions for low scale residential development typical of this locality. The proposed landscaped area of the site complies with the 30% of site area minimum that will be planted with native species. At least 50% of that area is considered to allow deep soil planting.

**Part 14 - Waste Management** - The relevant objectives of this Part are to encourage sustainable waste management that includes re-use and recycling of commercial waste. The proposed use includes suitable waste management facilities and a satisfactory waste management plan has been submitted. A condition of this report's recommendation requires compliance with that plan of management.

**Part 15 - Advertising and Signage** - The relevant objectives are to provide opportunities for business to communicate with the public, to ensure advertising signs do not detract from the visual environment and to provide for an orderly display of advertising.

The proposed business identification sign will be attached to the front wall of the building (ie. Wall Sign). Part 15 seeks to limit the area of a commercial signs in a residential zone to 0.75m², however, the size may exceed 0.75m² when attached to a legal use and provided there is no detrimental impact on the surrounding residential area. The size of the sign must also be related to the length of the street frontage, the scale of the proposed development and the streetscape. The proposed sign has an area of 4.0m², will be attached to a legitimate use and is considered to be consistent with the relevant objectives of the Part having regard to the matters for consideration listed in Part 15.5.1.

Accordingly, the proposed development is generally considered to be consistent with the objectives and relevant requirements of DCP 2014.

**NSW Coastal Policy 1997**

The New South Wales Coastal Policy is a broad policy for the Coastal Zone that is required to be considered having regard to the provisions of Clause 92 of the Environmental Planning and Assessment Regulations 2000.

The site is located within the Coastal Zone. Relevant to the principles of the Coastal Policy, the proposed development will not compromise the natural, cultural heritage (both Indigenous and European) and spiritual values of the coastal area. The proposed development is considered to be a low impact development that incorporates the principles of ESD and implements the planned urban development of this residential locality.

The proposed development will not compromise the goals or strategic actions of the Coastal Policy.

**Coastal Design Guidelines for NSW**

The Guidelines are designed with reference to the NSW Coastal Policy 1997, complementing the State Government's Coastal Protection Package and are based on the principles of ecologically sustainable development. Whilst recognising the pressures due to an expected future population growth of coastal areas the guidelines establish a set urban design principles to ensure new development is sensitive to the unique natural and urban settings of coastal places.

The proposed development is considered to be consistent with the scale and desired character of development in this residential locality. A suitable number of off-street parking spaces will be accommodated on site and the proposed use will provide an essential service to the local community.

Accordingly, the proposed development is considered to be consistent with the relevant urban design guidelines.
Erosion and Sediment Control Policy

The aim of this policy is to minimise erosion and sedimentation in catchments, resulting from the disturbance of the soil surface associated with building works, changes in land use and urban development, the installation of services and road construction and maintenance. This is to ensure that potential pollutants are not directed to natural and artificial water bodies.

The construction works associated with the proposed development will be managed to ensure that erosion and sediment control measures comply with the aims and requirements of the Policy thereby protecting the water quality of neighbouring natural and artificial water bodies. Appropriate conditions of consent are recommended.

Vehicle Crossing Policy

The Policy provides guidelines on the provision of vehicle crossings and driveways to properties by setting an appropriate standard for their construction and maintenance.

The proposed development incorporates a 6.0 metres wide driveway crossing that will allow the entry and exit of vehicles simultaneously. The proposed driveway design is considered satisfactory subject to the submission of a driveway levels application that is addressed by a condition in this report's recommendation.

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

Context and Setting

The proposed development relates positively with the local context and maintains a reasonable relationship with the character, height and scale of neighbouring development, as viewed from the surrounding locality.

Site Design and Internal Layout

The site design, including its configuration, levels and size is suitable for the proposed single storey development with off street parking. The internal layout of the building is designed for the proposed medical use and provides a high standard of occupant amenity.

Views

The proposed development does not unreasonably impact on views and outlooks from adjoining residential allotments.

Privacy (Aural and Visual)

The proposed development has been designed to reasonably address the privacy relationship with the adjoining residential allotments.

Overshadowing

The proposed single storey development does not cast unreasonable shadowing on neighbouring residential allotments.

Visual Impact

The proposed single storey development does not visually detract from the residential character of this locality.

Flora and Fauna

The proposed development does not have a significant impact on local flora and fauna.
**Cumulative Impacts**

The proposed development does not establish an undesirable precedent for further similar development in this residential locality.

c) **The Suitability of the Site for the Development**

The site design, including its configuration, levels and size is suitable for the proposed single storey development with off street parking.

d) **Any Submissions Made in Accordance with the Act or Regulations**

The application was notified to neighbouring property owners in accordance with Council’s Policy and submissions were received from four (4) neighbouring owners. The submissions refer to the following issues:

1. The proposed use is for ‘Health Consulting Rooms’ not a ‘Medical Centre’ and ‘Health Consulting Rooms’ are not permissible in the R2 - Low Density Residential zone under GLLEP 2014. Does the land require rezoning? Should Council approve a ‘Medical Centre’ then any approval should be limited to two (2) consulting rooms for a Dental Surgery.

   **Comment:** Both ‘Health Consulting Rooms’ and ‘Medical Centres’ are permissible in the R2 zone with development consent. The subject application is for a ‘Medical Centre’. The land does not require rezoning to permit the use. An appropriate condition is included in this report’s recommendation to identify the ‘Medical Centre’ use and to limit the number of surgeries to two (2) and staff to five (5).

2. A commercial activity 6 days per week and for emergencies is out of character in the R2 - Low Density Residential zone under GLLEP 2014 and does not enhance the existing residential environment. More appropriate alternate commercial areas (three localities) are located in the vicinity, including Blueys Beach commercial centre, in which the current use operates and the land adjacent to the café in the tourist facility in Redgum Road Boomerang Beach. Those localities cater for vehicle loadings, noise, business operating hours and other impacts that might otherwise impact on residential areas and the natural environment.

   **Comment:** The relevant objective of the R2 zone is to enable land uses other than residential that provide facilities or services to meet the day to day needs of residents. The locality is primarily residential with a Public School opposite the site. The proposed development is considered to be consistent with the zone’s relevant objective, providing a service to meet the day to day needs of residents with a building design that is considered to be low in scale and generally contextually appropriate in this locality.

   The proposed use currently operates from a residential property in the R2 zone just outside the Blueys Beach Commercial area (zone B1 - Neighbourhood Centre). The other suggested locality is land adjacent to the Moby's Resort (Redgum Road Boomerang Beach) that is also zoned R2. A benefit with the Blueys Beach location is that patients may have linked or multi-purpose trips with other uses in that locality.

   The applicant has pointed out that there are a number of uses in the R2 zone that are not residential and provide services and facilities to the public. Those uses include the current dental practice, Blueys Cellars, Blueys Osteopathy and Chiropractic, Pacific Palms Medical Centre, Jens Café and Gift Shop, Blueys Retreat Resort and Restaurant in Blueys Beach; Moby's Beachside Retreat Resort & Restaurant in Redgum Road Boomerang Beach and Pacific Palms Public School.

   Accordingly the concerns of the neighbours are not supported.
3. Traffic congestion and limited on-street parking is already a major problem in this locality with a high number of holiday rental units and the Public School operation. Safety concerns are raised for the general public and in particular the school children with some motorists conducting unsafe ‘u-turns’ over unbroken centre lines in this locality. A pedestrian island is suggested to improve on the current situation. Access to the site will be impeded during the construction process and when the use is operating due to the lack of on-street parking, the conflict in hours with the neighbouring school, the location of the bus stop, local deliveries and waste collection, the lack of a footpath on the subject side of the road and the lack of a pedestrian crossing.

**Comment:** Given the uses in this locality, with competition for on-street parking, the proposed development accommodates suitable parking on the site. Also whilst not reliant on this fact, a number of patients can walk to the site or cycle from nearby areas. Simultaneous vehicular access to/from the site is in a forward direction with sufficient sight distances to ensure appropriate standards of public safety in this 40kph school zone speed limit. It is noted that a ‘u-turn’ over the unbroken centre line is an illegal manoeuvre. Council's technical officers have favourably assessed the proposed design subject to conditions that are included in this report's recommendation. A traffic island, footpath and pedestrian crossing are not recommended and access/parking/traffic implications during the construction process would be managed by the builder and construction employees utilising the proposed car parking area.

The proposed development will generate a marginal increase in traffic along Boomerang Drive. The additional traffic generated above a typical residential block is minimal and as such the development will not exceed the capacity of Boomerang Drive that has been designed as a collector road.

Accordingly the concerns of the neighbours are not supported.

4. Unreasonable noise - The hours of operation will adversely impact on this quiet coastal environment with traffic noise from an additional 40 to 44 vehicle movements not including deliveries and waste collection; vehicle reversing alarms; potential noise from the air compressor located in the sub-floor area of the proposed building; and security alarms.

**Comment:** The proposed hours of operation have been reduced since the original application and are considered reasonable having regard to the site's context and the design of the development. As discussed above the potential increase in traffic attributed to the proposed use is considered marginal.

The location of the compressor beneath the building in a masonry housing, has been designed to ensure a reasonable amenity relationship with the neighbouring residential development (86 Boomerang Drive). Access to the space is from an opening in the floor of the laboratory and the space will be ventilated through the northern sub-floor wall. An appropriate condition is included in this report's recommendation that addresses this design outcome.

Security alarms are not uncommon in a wide range of developments with their activation occurring either by intrusion or false responses. They are not considered to be a reasonable ground for sustained objection to the proposed development.

Accordingly the concerns of the neighbours are not supported.

5. Air Pollution - From increased traffic

**Comment:** The potential increase in traffic generated by the proposed development is not considered to significantly increase air pollution levels in this coastal locality. Accordingly the concern of the neighbours is not supported.
6. Stormwater - The proposed development will direct additional stormwater to the street that already suffers from localised flooding during periods of high rainfall.

**Comment:** The site is located on the back of a sand dune. The proposed development incorporates a stormwater management design that directs roof water to a 5000 litre storage tank with overflow to a rain garden in the front building setback that also collects the bulk of stormwater from the proposed parking areas. Overflow from the rain garden then flows to the street gutter in which a Council stormwater drainage inlet is located to the frontage of the property. The proposed stormwater management design is considered satisfactory having regard to Council's requirements referred to previously under the headings Great Lakes Local Environmental Plan 2014 (GLLEP 2014) and Development Control Plan 2014 (DCP 2014) and significantly limits the volume of water leaving the site. Accordingly the concerns of the neighbours are not supported.

7. Amenity relationship with unit 1, 86 Boomerang Drive (to the southern side of the site) - Potentially direct surface water to their property; create overshadowing; impede northern light; and cause a loss of privacy to outdoor area, kitchen and bedroom 2. Suggests increased side boundary setback or locate the building to the northern side of the site. The fire rated door from the sterilisation room will be used for deliveries and removal of contaminated waste on a daily basis. Adverse impacts from security lighting. Existing fencing is 1.5m rather than 1.8m indicated on the plans - if a new fence is proposed neighbour wants to be consulted regarding materials, workmanship and responsibility.

**Comment:** 86 Boomerang Drive is located to the south western side of the subject site and is occupied by a single storey attached dual occupancy. The attached building is located to the north eastern side of that property, driveway and parking to the opposing side of that property and with Unit 1 located to the front and unit 2 to the rear of the building. Active living indoor and outdoor areas and a second bedroom in Unit 1 are presented to the common boundary with the subject site.

As previously indicated stormwater will be effectively managed on the subject site. Any other surface water will be readily infiltrated into the site that is on the back of a sand dune.

The location of the proposed amended building (at 1700mm to 2300mm) in respect to the south western common boundary and the relocation of the external door are considered appropriate having regard to overshadowing, privacy and visual impact on the neighbouring property, as discussed previously under the heading Development Control Plan 2014 (DCP 2014) Part 5.5 - Setbacks.

The applicant has indicated that deliveries will be minimal, occur during business hours and will be via the main car park to the reception or staff kitchen by the rear door. Also waste collection (general garbage, disposable bibs/paper cups) will be via residential waste collection. There is no radioactive waste from the site, all sharps are discarded in mandatory sharps containers and taken by the owner to Forster Dental Centre for collection by specialist disposal companies. Any external lighting will be addressed by condition contained in this report's recommendation. Existing fencing and lattice screening to the common side boundary will now be retained and provide a suitable barrier between developments.

Accordingly the concerns of the neighbours have been reasonably addressed.

8. Amenity relationship with unit 2, 86 Boomerang Drive (to the southern side of the site) - Overshadowing of courtyard particularly in Winter; glare from proposed roof; loss of privacy. Suggest increased boundary setback and window to consulting room 2 be provided with opaque glass or other screen features including landscaping to soften their outlook and to reduce glare. Also roof over water tank could be setback. The boundary fence and retaining wall indicated on the left side of the south east elevation is considered to be incorrect and does not account for existing levels and the retaining wall to their courtyard.

**Comment:** 86 Boomerang Drive is located to the south western side of the subject site and is occupied by a single storey attached dual occupancy. The attached building is located to the north eastern side of that property, driveway and parking to the opposing side of that property and with Unit 1 located to the front and unit 2 to the rear of the building. Active living indoor and outdoor areas to Unit 2 are presented to the common boundary with the subject site.
The location of the proposed amended building (at 1700mm to 2300mm) to the south western common boundary is considered appropriate having regard to overshadowing, privacy and visual impact on the neighbouring property, as discussed previously under the heading Development Control Plan 2014 (DCP 2014) Part 5.5 - Setbacks. Opaque glass is provided to the highlight window in the south western external wall. The building setback is now proposed to be landscaped and the proposed roof material will be neutral in colour and non-reflective. A 1.5m high fence will be provided to the rear boundary.

Accordingly the concerns of the neighbours have been reasonably addressed.

9. Radioactive materials and hazardous waste - Will they be held on site and hazards in residential area for collection and disposal.

**Comment:** All waste collection (general garbage, disposable bibs/paper cups) will be via residential waste collection. There is no radioactive waste from the site, all sharps are discarded in mandatory sharps containers and taken by the owner to Forster Dental Centre for collection by specialist disposal companies.

Accordingly the concerns of the neighbours are not supported.

10. Loss of trees contrary to protecting the natural setting.

**Comment:** The site is currently undeveloped and two existing trees require removal to enable the proposed development. The proposed development includes the landscaping of the site with suitable native species. On balance, the loss of the two existing trees is not considered significant or warrants the revision of the design.

Accordingly the concerns of the neighbours are not supported.

11. Statement of Environmental Effects (SEE) states that the proposed works are not limited to those described therein raising the question that further works are proposed.

**Comment:** The SEE and plans provide sufficient clarity as to the extent of the proposed work. The conditions contained in this report's recommendation identify that those works on the approved plans are the works approved in respect of the development consent subject to the conditions listed in the development consent.

12. Proposed off-street parking - Neighbour's experience in the area of public health suggests that there should be a minimum of ten (10) off-street parking spaces based on two (2) spaces for medical practitioners, two (2) spaces for receptionist/nurses, five (5) patient spaces including one (1) for a patient with a disability and one (1) space for emergency parking for ambulance and Police.

**Comment:** The proposed development provides the required level of off-street parking as discussed under the earlier heading Development Control Plan 2014 (DCP 2014) Part 10. Accordingly the suggestion by the neighbour is not supported.

13. Loss of property values

**Comment:** Property value is not a planning matter for consideration under Section 79C of the EPAA 1979 and therefore no further comment is offered.

**e) The Public Interest**

The proposed development is consistent with the relevant planning controls for the locality, as discussed in this assessment.

The proposal will not detract from the character of the existing streetscape or the general locality, nor will it undermine any of the social or economic values of the site or surrounding area. The proposal is considered to be consistent with the objectives of the relevant zone and will not have an unreasonable impact upon neighbouring properties.

Accordingly, approval of the proposed development would not be contrary to the public interest.
CONCLUSION:

The proposed use is a family run business that currently operates from rented premises at Blueys Beach. That property is now for sale and in order to continue the beneficial service to the local community the practice needed to secure a new location.

The proposal is considered to be suitable for the site and the locality having regard to the existing planning controls as discussed in this report and maintains a reasonable relationship with neighbouring developments.

Accordingly, the application is supported and recommended for approval subject to conditions.

RECOMMENDATION:

It is recommended that DA 156/2016 for the construction of a medical centre at 84 Boomerang Drive Boomerang Beach be approved subject to compliance with the following conditions:

The following conditions have been applied to ensure that the development complies with the provisions of the Environmental Planning and Assessment Act and Regulations and Policies of Council:

GENERAL CONDITIONS

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<table>
<thead>
<tr>
<th>Plan type/Supporting Document</th>
<th>Plan No. &amp; version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan</td>
<td>Dwg 03 Revision B</td>
<td>Moore Design</td>
<td>4/2/2016</td>
</tr>
<tr>
<td>Floor Plan</td>
<td>Dwg 04 Revision B</td>
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<td>Elevations</td>
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<td>4/2/2016</td>
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<tr>
<td>Section</td>
<td>Dwg 07 Revision B</td>
<td>Moore Design</td>
<td>4/2/2016</td>
</tr>
<tr>
<td>Advertising Signage</td>
<td>Dwg 11 Revision B</td>
<td>Moore Design</td>
<td>4/2/2016</td>
</tr>
</tbody>
</table>

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Compliance with Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

Reason: Prescribed condition under the Environmental Planning & Assessment Regulation 2000.

3. Staff Numbers

The approved dental surgery use being operated from two (2) surgeries by two (2) dental practitioners supported by two (2) clinical assistants and one (1) receptionist.

Reason: To limit the scale of the approved development having regard to the off street parking capacity of the site and the residential context of the site.

4. Staff Parking

Staff parking is to be marked and signposted on site in accordance with the approved plan.

Reason: To ensure the effective management of the approved off street parking design.

5. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services remain in serviceable operation.
PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of any Construction Certificate:

6. Structural details

Prior to the issue of a construction certificate, structural drawings prepared by a suitably qualified and experienced structural engineer must be submitted to and approved by the certifying authority. The plans must include details for:

a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas).

b) Footings of the proposed structure.

c) Structural steel beams/columns.

Reason: To ensure structural stability and safety.

7. Plans of retaining walls and drainage

Prior to the issue of a construction certificate plans and specifications of retaining walls or other approved methods of preventing the movement of soil, where excavation or fill exceeds 600mm above or below the existing ground level, must be submitted to and approved by the certifying authority. Adequate provision must be made for drainage in the design of the structures.

Reason: To ensure site stability and safety.

8. Driveway levels application

Prior to the issue of a construction certificate, a Driveway Levels Application must be submitted to Council for approval. A Driveway Levels Application Form must be completed and submitted to Council together with the application fee and all required plans and specifications.

Driveways must be constructed by a qualified/licensed contractor at no cost to Council in accordance with the driveway levels and construction standards issued by Council.

Reason: To ensure works within Council’s road reserve are constructed to a suitable standard for public safety.

9. Car parking

Prior to the issue of a construction certificate, plans and specifications detailing access, parking and manoeuvring on the site must be submitted to and approved by the certifying authority. Vehicular access, parking and manoeuvring must be in accordance with Australian Standard AS/NZS 2890.1: Parking facilities: Off-street car parking. Plans must include the following items:

a) Pavement description;

b) Existing and design levels;

c) Drainage (pipes, pits, on-site detention, etc.).

d) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: Parking facilities - Off-street parking for people with disabilities;

e) Line-marking.

Reason: To ensure suitable vehicular access and manoeuvrability is provided within the development.

10. Bond required to guarantee against damage to public land

Prior to the issue of a construction certificate, a Damage Bond Application form together with payment of a bond in the amount of $4,000 and a non-refundable administration fee of $320 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

a) once all works, including landscaping, driveway construction, turfing etc, have been completed, and

b) following issue of an occupation certificate by the certifying authority.
The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council’s current fees and charges document at the time of lodgement of the damage bond.

**Reason:** Protection of public assets.

11. **Bicycle Parking**

Prior to the issue of a construction certificate, plans and specifications detailing bicycle parking for the development must be submitted to and approved by the certifying authority. The development must be provided with a class 2 bicycle enclosure (for employees) and one class 3 bicycle rail (u-frame for use by visitors). The bicycle spaces must be designed and constructed in accordance with Australian Standard AS/NZS 2890.3: Parking facilities - Bicycle parking facilities.

**Reason:** To ensure suitable bicycle parking is provided within the development.

12. **Erosion and sediment control plan**

Prior to the issue of a construction certificate, an erosion and sediment control plan prepared by a suitably qualified person in accordance with “The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction” (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

13. **MidCoast Water approval**

Prior to the issue of a construction certificate, a Certificate of compliance from MidCoast Water, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the certifying authority.

**Reason:** To ensure suitable water and sewage disposal is provided to the development.

14. **Access and facilities for people with disabilities**

Prior to the issue of a construction certificate, plans and specifications detailing access to and within the development and facilities for persons with disabilities must be submitted to and approved by the certifying authority. The development must be in accordance with Australian Standard AS 1428.1 - Design for access and mobility and Part D3 of the Building Code of Australia.

**Reason:** To ensure the development provides equitable and dignified access and facilities for people with disabilities.

15. **External roofing material and colour**

Prior to the issue of a construction certificate, details of the external material and colour of the roof must be submitted to and approved by the certifying authority. Metal roof sheeting must painted or be of a coloured metal that minimises reflection and is sympathetic and compatible with the building and surrounding environment. Zincalume finish or off-white colours are not permitted.

**Reason:** To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

16. **Landscape plan**

Prior to the issue of a construction certificate, plans and specifications detailing the landscaping treatment of the site must be submitted to and approved by the certifying authority. The plan must be prepared by a suitably qualified landscape architect or horticulturalist who has appropriate experience and competence in landscaping and must include the following information:
a) proposed location for planted native shrubs and trees,
b) botanical names and pot supply sizes of shrubs and trees to be planted,
c) mature height of trees to be planted,
d) location of grassed and paved areas,
e) screening of garbage receptacles from public view,
f) location of common tap(s) and/or irrigation system to ensure all landscape works can be adequately watered,
g) stormwater detention or bio-retention systems;

Reason: To maintain environmental and streetscape amenity.

17. **S94 contributions**

Prior to the issue of a construction certificate, a monetary contribution must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act 1979. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

<table>
<thead>
<tr>
<th>Code</th>
<th>Contributions Plan</th>
<th>Facility</th>
<th>quantity</th>
<th>unit</th>
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<td>Headquarters Building</td>
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</tbody>
</table>

Contribution rates are subject to indexation. The rates shown above are applicable until 30 June following the date of consent. Payment made after 30 June will be at the indexed rates applicable at that time.

The Contributions Plan and the Standard Schedule for Section 94 Plans may be viewed on Council’s web site or at Council’s offices at Breese Parade, Forster.

Reason: Statutory requirement to be paid towards the provision or improvement of facilities and services.

18. **Long Service Levy**

Prior to the issue of a construction certificate, a Long Service Levy must be paid to the Long Service Payments Corporation. The amount payable is currently based on 0.35% of the cost of the work. This is a State Government levy and is subject to change.

These payments may be made at Council’s Customer Service Centres. Cheques must be made payable to Great Lakes Council.

Reason: Statutory requirement.

PRIOR TO THE COMMENCEMENT OF ANY WORK ASSOCIATED WITH THIS CONSENT

The following conditions must be satisfied prior to the commencement of any building construction or subdivision work:

19. **Construction certificate required**

Prior to the commencement of any building or subdivision construction work (including excavation), a construction certificate must be issued by a certifying authority.

Enquiries regarding the issue of a construction certificate can be made to Council’s Customer Service Centre on 6591 7222.

Reason: Statutory requirement under the Environmental Planning and Assessment Act 1979.

20. **Notification of commencement and appointment of principal certifying authority**

Prior to the commencement of any building or subdivision construction work (including excavation), the person having the benefit of the development consent must appoint a principal certifying authority and give at least two (2) days’ notice to Council, in writing, of the persons intention to commence construction work.

Reason: Statutory requirement under the Environmental Planning and Assessment Act 1979.
21. Site access
Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied. The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

Reason: To ensure public health and safety during the construction of the development.

22. Erosion & sediment measures in accordance with approved plans
Prior to the commencement of work, erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan and must be maintained for the duration of the project.

Reason: To protect the environment from the effects of erosion and sedimentation.

23. Pollution prevention sign
Council’s "PREVENT POLLUTION" sign must be erected and maintained in a prominent position at the frontage of the property so that it is clearly visible to the public for the duration of construction work.

Council’s "PREVENT POLLUTION" sign can be purchased at Council’s Customer Enquiry Counter at the Forster, Tea Gardens and Stroud administration buildings.

Reason: To increase industry and community awareness of developer’s obligations to prevent pollution and to assist in ensuring compliance with the statutory provisions of the Protection of the Environment Operations Act 1997.

24. Toilet facilities - sewered areas
Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

Reason: To maintain public health.

25. Site construction sign
Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

a) showing the name, address and telephone number of the principal certifying authority for the work, and
b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed condition under the Environmental Planning and Assessment Regulation 2000.

CONDITIONS TO BE SATISFIED DURING DEVELOPMENT WORK
The following conditions must be complied with during any development work:

26. Acid sulphate soil assessment
Prior to the commencement of significant excavation works care should be taken not to expose material containing acid sulphate soil. If such material is disclosed then work should cease until an acid sulfate soil management plan is prepared to the satisfaction of the certifying authority and with the recommendations of such plan adopted with the ongoing excavation works.

Reason: Management of acid sulphate soils.
27. **Construction times**

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.

Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

**Reason:** To maintain amenity during construction of the development.

28. **Construction dust suppression**

All necessary works must be undertaken to control dust pollution from the site. These works must include, but are not limited to:

- restricting topsoil removal;
- regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
- alter or cease construction work during periods of high wind;
- erect green or black shade cloth mesh or similar products, 1.8m high around the perimeter of the site and around every level of the building under construction.

**Reason:** To maintain amenity during construction of the development.

29. **Builders rubbish to be contained on site**

All builders rubbish is to be contained on the site in a suitable waste bin/enclosure. Building materials must be delivered directly onto the property. Footpaths, road reserves and public reserves must be maintained clear of rubbish, building materials and other items at all times.

**Reason:** To ensure that materials and waste do not adversely affect traffic or pedestrian safety and amenity.

30. **Maintenance of sediment and erosion control measures**

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

31. **Burning of felled trees prohibited**

The burning of trees and vegetation felled during clearing of the site is not permitted. Where possible, vegetation is to be mulched and reused on the site.

**Reason:** To maintain amenity and environmental protection.

32. **Compliance with waste management plan**

During demolition and/or construction of the development, waste disposal must be carried out in accordance with the approved waste management plan.

**Reason:** To ensure waste is minimised and recovered for recycling where possible.

33. **Vibrating compaction rollers**

Vibrating compaction rollers must not be used unless a report prepared by a qualified geotechnical engineer has been submitted to and approved by the certifying authority which demonstrates that such use will not result in adverse structural impacts to adjoining properties.

**Reason:** To avoid damage to adjoining properties from vibration impacts.
PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions must be satisfied prior to any occupation or use of the building:

34. Works to be completed

The building/structure or part thereof must not be occupied or used until an interim occupation/final occupation certificate has been issued in respect of the building or part.

Reason: To ensure compliance with the development consent and statutory requirements.

35. Site to be landscaped

Prior to the issue of a final occupation certificate, the site must be landscaped in accordance with the approved landscape plan.

Reason: To ensure compliance with the development consent and to maintain amenity.

36. Completion of car parking areas and provision of signs

Prior to the issue of an occupation certificate, the car parking areas must be constructed in accordance with the approved plans and be fully line-marked.

Reason: To ensure that adequate parking facilities for the development are provided on site.

37. Sealed driveway in accordance with approved Driveways Level Application

Prior to the issue of a final occupation certificate, a driveway must be constructed from the edge of the road formation to the property boundary in accordance with the approved Driveway Levels Application. A certificate of compliance must be obtained from Council certifying that the driveway has been constructed to comply with the approved driveway application.

Reason: To ensure suitable vehicular access to the development.

38. Rainwater tank

Prior to the issue of a final occupation certificate, rainwater tank/tank-stand installations must be structurally sound and in accordance with manufacturers details. Overflow from the tank must be connected to the existing stormwater system, or disposed of in a manner that does not cause nuisance to neighbouring properties or degradation of land.

Reason: To ensure rainwater tanks stands are structurally adequate and overflow from the tank is discharged in a proper manner that protects adjoining properties.

39. MidCoast Water approval

Prior to the issue of a final occupation certificate, a certificate of compliance from MidCoast Water, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the principle certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

40. Survey certificate of complete building

Prior to the issue of a final occupation certificate, survey certificates from a registered surveyor must be submitted to the principal certifying authority upon completion of the building.

Reason: To determine the height of buildings under construction and ensure compliance with the approved plans.

41. Soundproofing of mechanical equipment

Prior to the issue of a final occupation certificate, all mechanical equipment must be adequately soundproofed so as not to create offensive noise as defined under the Protection of the Environmental Operations Act 1997 and regulations.

Reason: To maintain the acoustic amenity of surrounding properties.
42. **Stormwater Treatment System**

Prior to issue of any occupation certificate, the infiltrating raingarden must be constructed in accordance with the approved plans (Carpark Levels & Drainage Design No. C01 Issue A & Typical Raingarden Detail No. C02 Issue A), including any amendments contained within these conditions. The infiltrating raingarden must meet the following criteria:

a) Have a minimum filter surface area of 13m², and positioned along the contours. The infiltrating raingarden is to receive overflow from the 5KL rainwater tank collecting 100% of the roof area. Runoff from the driveway area is to be collected and directed to the raingarden in accordance with the designs submitted.

b) Be constructed to allow infiltration into the in situ sandy soil. The garden (from the base) is to consist of: 600mm of sandy loam filter media and 200mm of depth for water detention, the top of the garden is to be finished a minimum of 50mm (freeboard) above the maximum water level.

c) The sides must be lined with a HDPE impermeable liner or equivalent extending 200mm below the filter media to avoid exfiltration of water into surrounding sands. The lining on the side of the raingarden closest to the building is to extend 400mm below the filter media.


e) High flow from the overflow pit is to be laid on a 1:100 grade to the kerb and gutter via a suitably manufactured kerb adaptor. Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works must be installed by a suitably qualified person and in accordance with the requirements of Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage.

f) Inlet pipes to the raingarden from the rainwater tank and driveway are to contain rock protection to prevent erosion.

g) Have 50% of the raingarden area planted with a minimum of 2 species from Great Lakes Council’s Fact Sheet 15 ‘Local Plant Selection for Raingardens, Guidance for Water Sensitive Provisions of the Great Lakes Development Control Plan’ (April 2014), at densities indicated in the fact sheet. The remaining area is to be planted with species of the owners choosing which are suited to intermittently dry and wet conditions.

h) Be protected by sediment and erosion control measures during construction and be connected to the stormwater and planted after all hardstand areas have been paved / sealed and cleaned.

**Reason:** To ensure water quality requirements as contained in the Water Sensitive Design section of the Great Lakes Development Control Plan are met.

43. **Compliance of infiltrating raingarden to plans**

Prior to the issue of any occupation certificate, written certification by the builder or plumber is to be submitted to the certifying authority that construction levels and drainage lines have been installed in accordance with the approved stormwater drainage plans and conditions.

**Reason:** To ensure compliance with Council’s water quality objectives and comply with the Water Sensitive Design section of the Great Lakes Development Control Plan and ensure that the raingarden systems are constructed in accordance with approved plans and standards and conditions of consent.

44. **Raingarden Maintenance for Dwellings**

Prior to issue of any occupation certificate a permanent notice identifying the location of the raingarden is to be displayed in the metre box or other visible locations on the property.

The raingarden shall be maintained by the owner in perpetuity including free draining filter media and approved plant species and densities (including the removal of weeds) and protection from erosion and scour within the raingarden.

**Reason:** To ensure that ongoing compliance with the Water Sensitive Design section of the Great Lakes Development Control Plan.
ONGOING USE

The following conditions must be satisfied during the ongoing use of the development:

45. Security lighting

Any outdoor security lighting must be located or shielded so that no additional light is cast on adjoining land.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination.

46. Sign quality

All signs must be neat and professionally sign written. Signs must be maintained in a structurally sound, neat and attractive condition.

Reason: To ensure that signs are consistent with Council’s controls.

47. Hours of operation

The hours of operation of the business are restricted to the times set out in the following table:

<table>
<thead>
<tr>
<th>Period</th>
<th>Start Time</th>
<th>Finish Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday to Friday</td>
<td>9.00am</td>
<td>6.00pm</td>
</tr>
</tbody>
</table>

Any alteration to the above hours of operation will require the further consent of Council.

Reason: To protect the amenity of adjoining premises.

48. Noise

Noise associated with the premises including all associated mechanical plant and equipment must not be a source of “offensive noise” at the nearest affected premises:

“offensive noise” is defined under the Protection of the Environment Operations Act 1997 as noise:

a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
   i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
   ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

Reason: To maintain acoustic amenity to adjoining properties.

OTHER AGENCY CONDITIONS

49. Rural Fire Service (RFS) requirements

The development must be carried out in compliance with the following conditions.

Details from an appropriately qualified bushfire consultant (BPAD) accredited with the Fire Protection Association of Australia or a building certifier accredited with the Building Professionals Board demonstrating compliance with these conditions, must be submitted to the certifying authority prior to the issue of the Occupation Certificate.

Reason: To ensure work is carried out in accordance with the determination and other statutory requirements.
50. **Asset Protection Zones**

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

**Reason:** The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

51. **Water and Utilities**

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

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

52. **Landscaping - Bushfire**

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

**Reason:** To ensure that landscaping does not contribute to the passage of a bushfire.
ANNEXURES:

A: Plans of proposed development