



# **MINUTES OF THE DEVELOPMENT CONTROL UNIT MEETING**

**HELD AT COUNCIL CHAMBERS, BREESE PARADE, FORSTER**

**ON THURSDAY, 15 OCTOBER 2009**

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Minutes of the Development Control Unit Meeting of the Great Lakes Council held at the Council Chambers, Breese Parade, Forster on 15 October 2009 commencing at 2pm.

## **PRESENT**

Clr Linda Gill (Chairperson) as Mayor's delegate, Director Engineering Services - Ron Hartley, Manager Development Assessments - Wayne Burgess, Manager Building Assessments - Gary Mead.

## **IN ATTENDANCE**

Admin Officer - Yvette Ellis (Minute Taker).

## **APOLOGIES**

Clr Jan McWilliams - Mayor; Director Planning & Environmental Services - Glenn Handford

## **64 RESOLUTION**

That the apologies from Mayor - Clr Jan McWilliams; and Director Planning & Environmental Services - Glenn Handford, be accepted.

## **ADOPTION OF MINUTES OF MEETING**

## **65 RESOLUTION**

That the Minutes of the Development Control Unit Meeting of 8 October 2009, copies of which were distributed among the Committee members, be taken as read and confirmed as a true record of proceedings.

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## **DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST**

Nil.

## **PUBLIC ADDRESSES**

### **PUBLIC ADDRESS NO 1 - STEPHEN SHAW**

**Subject:** PES - DA420/2009 - Proposal to Convert Existing Garage/Shed to a Dwelling and Undertake Additions to Existing Building - 15 Avon Street, Stroud  
**Index:** DA420/2009 & PK18593  
**Author:** Building Surveyor - David Underwood  
**DCU Meeting:** 15 October 2009

Mr Stephen Shaw (objector) addressed the committee and sought clarification as to whether there was a timeframe for works to be undertaken to the garage/shed to bring it back into compliance.

**PUBLIC ADDRESS NO 2 - PAUL LE MOTTEE & ANGELA CARPENTER**

**Subject: PES - DA493/2009 - Proposed Single Storey Dwelling and Detached Carport - Lot 34 DP 12013 Myola Road, The Branch**  
**Index: DA493/2009 & PK15465**  
**Author: David Underwood - District Building Surveyor**  
**DCU Meeting: 15 October 2009**

Mr Paul Le Mottee (consultant for the applicant) and Ms Angela Carpenter (applicant) addressed the committee in support of the application.

**PUBLIC ADDRESS NO 3 - DEBBIE AND ROSS FOLEY**

**Subject: PES - DA33/2010 - Set Up and Sell Seafood from Mobile Van - 77 Stroud Street, Bulahdelah**  
**Index: DA33/2010 & PK4168**  
**Author: Senior Development Assessment Planner – Robyn Shelley**  
**DCU Meeting: 15 October 2009**

Mrs Debbie & Mr Ross Foley (applicants) addressed the committee in support of the application.

**CONSIDERATION OF OFFICERS' REPORTS:**

**DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

- 1 PES - DA493/2009 - Proposed Single Storey Dwelling and Detached Carport - Lot 34 DP 12013 Myola Road, The Branch**  
**Index: DA493/2009 & PK15465**  
**Author: David Underwood - District Building Surveyor**  
**DCU Meeting: 15 October 2009**
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**RECOMMENDATION:**

1. A report be prepared for Council with a view to amending the Building Setback Policy to include a setback requirement for riverfront properties in the building setback register.
2. It is recommended that DA 493/2009 for the Single Storey Dwelling and Detached Carport at Lot 34 DP 12013, Myola Road, The Branch be approved subject to the following conditions:

**DEFERRED COMMENCEMENT CONDITION/S**

- A.** This development consent does not operate until the consent authority is satisfied that condition B has been satisfactorily carried out. In this regard, the consent will not become operative until such time as the consent authority has notified the applicant that this condition has been satisfied.
- B.** Submission of a detailed Geotechnical Engineers Report being submitted to Council confirming that the proposed location for the subject development will be suitable with regard to potential from long term erosion of the river embankment.

Evidence required to satisfy the above deferred commencement condition/s must, in accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, be submitted to Council within 2 years of the date of this consent.

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The following conditions will apply following written notice given under Section 100(4)(b) of the Environmental Planning and Assessment Regulation 2000 that the deferred commencement condition/s have been satisfied and the date from which the consent operates:-

### **DEVELOPMENT CONSENT CONDITIONS**

The following condition/s 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:

**The following condition/s 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:**

1. The development being carried out in accordance with the details set out in the Development Application unless otherwise amended by these conditions of consent.
2. The building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority subject to the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000) to verify compliance with this consent and the standards of construction detailed in the Building Code of Australia, at not less than the following stages prior to proceeding to the subsequent stages of construction:
  - a) Commencement of works.
  - b) Pier holes before they are filled with concrete.
  - c) Footings.
  - d) Steel reinforcement.
  - e) Steel columns/beams.
  - f) Framework including floor, wall and roof framing prior to fixing of internal lining.
  - g) Stormwater drains.
  - h) When all plumbing has been installed prior to covering in.
  - i) When drainage lines are laid in position and prior to covering in.
  - j) Wet area flashing prior to covering in.
  - k) Final.
3. Work on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Building Code of Australia, has been issued.
4. Development must be completed in accordance with Basix Certificate No 243270S unless otherwise amended prior to the issue of a final Occupation Certificate.
5. It is a condition of approval that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
6. Prior to commencement of construction and throughout the construction process until completion, adequate provision shall be made for the following measures (as applicable), to ensure compliance with the terms of the Consent:
  - a) Sediment control measures.
7. Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority:
  - a) in the case of work to be done by a licensed contractor:
    - (i) has been informed in writing of the licensee's name and contractor number; and

- (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act (in relation to insurance policies); or
  - b) in the case of work to be done by any other person:
    - (i) has been informed of the person's name and owner-builder permit number; or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.
8. Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the principal certifying authority prior to the issue of a construction certificate. The plans shall detail:
- 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.

Where it is proposed to use driven timber piles as part of any building footing system, the following certification from a professional engineer shall be provided prior to a footing inspection:

- i) The durability class (and/or chemical treatment grade) of all piles used within the footing system; and
- ii) That the driven piles have achieved the required bearing capacity.

**Note: Structural Engineers details for footings are to be designed with regard to Geotechnical Reports undertaken for the subject site.**

9. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.
10. Prior to the commencement of work, toilet facilities shall be provided within the site boundaries at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet shall be connected to the sewer.

Where the sewer is not available, chemical (portable WC) toilet(s) shall be provided or the toilets shall be connected to on-site sewage management system approved by Council.

11. 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.

12. The works are to be inspected during construction by Great Lakes Council to verify compliance with this consent and the Australian Standards. An inspection fee in accordance with Council's Fees and Charges Policy (currently \$192) is to be paid to Council prior to the issue of a Construction Certificate in cases where Council is not the Certifying Authority. Inspections are to be carried out at not less than the following stages prior to proceeding to the subsequent stages of construction:

- (a) Arrange inspections with Council's Building District Surveyor by calling (02) 6591 7291 when:
  - all plumbing has been installed prior to covering in;

- internal drainage lines are laid in position and prior to covering in;
  - external drainage lines are laid in position and prior to covering in.
- (b) Arrange inspection with Council's Environmental Health Officer by calling (02) 6591 7375 when installation of the on-site sewage management facility and associated disposal areas are complete.
13. The development is not to be used or occupied until it is completed in accordance with the approved plans and conditions of development consent.
  14. Roof and wall material shall be of a subdued low-reflective colour installed in accordance with the manufacturer's details. The colour of the roof and wall material is to be approved by Council prior to the issue of any Construction Certificate (unpainted metal, zincalume, white or off-white materials are not acceptable).
  15. The clearing of remnant native trees (as defined by the Native Vegetation Act 2003) for the construction and occupation of the approved development shall be restricted to that tree shown on the plan attached to the correspondence of Angela Carpenter to David Underwood (Great Lakes Council) dated 24 August 2009 and identified as "tree to be removed." All other remnant native trees on the land, including those identified on the above-mentioned plan shall be retained and protected on the land, free of direct and indirect impacts of development and occupation.
  16. Reduction and suppression of the groundcover vegetation in the APZ shall be conducted in a manner that protects the trees that are to be retained and protected on the land (as required by these conditions) and sensitively manages rocks, logs, clumps of native groundcover vegetation and other features of significance for fauna.
  17. The clearing works shall be conducted sensitively. Trees to be retained shall be protected from direct or indirect impacts as well as significant machinery activity in their root zone. Tree removal shall be conducted by selective directional felling only away from areas of natural open forest and those trees to be retained on the land.
  18. Trees and shrubs removed from the study area shall be used in site landscaping either in log form or as mulch. No felled vegetation shall be wind-rowed and burnt.
  19. Machinery operators shall inspect the crown, foliage and trunks of trees that require removal immediately prior to any felling to investigate the presence of koalas. If a koala is detected, the tree and no other surrounding trees shall be cleared until the animal has dispersed of its own free will from the area.
  20. For the removal of any hollow-bearing trees that occur on the Lot, the following methods shall be adopted prior to, during and after their removal:
    - a. Removal of the nominated hollow-bearing habitat trees from the APZ shall be conducted with an appropriately trained and vaccinated ecologist in attendance, who shall inspect the hollows and recover any injured or displaced native fauna. Council's Senior Ecologist shall be informed prior to the removal operation. The trees shall be felled in a manner that minimises mortality risks and injury risks to resident fauna and the arborists shall inspect the hollows progressively as they work. Displaced animals shall be collected and assessed. If injured, the animal(s) shall be taken immediately to a vet or wildlife carer. If uninjured, the animal(s) shall be released in secure habitat as close as possible to the capture location in a manner that avoids further injury and harm.

- b. The ecologist shall provide a report to Council's Senior Ecologist within one-week of the tree-clearing operation. This report shall outline the results of the fauna recovery operation including details of the hollows removed (number, entrance diameter, cavity length, cavity dimension), fauna species affected (including number, sex, breeding status) and evidence of former species presence.
  - c. An equivalent number of artificial nesting boxes shall be established on the land in the APZ to compensate for the removal of natural hollows during APZ establishment. These shall be demonstrably established prior to the issue of the Occupation Certificate.
21. Any landscaping of this lot shall give preference to the use of natural, indigenous flora species from all vegetative strata.
  22. Access to the site for ingress/ egress shall be restricted to the existing track infrastructure and no new tracks shall be created on the land for any aspect associated with the construction and occupation of the approved dwelling.
  23. Prior to the issuing of the Construction Certificate, a riverbank revegetation and landscaping plan shall be prepared and submitted to Great Lakes Council for review and approval. The plan shall be prepared by a qualified bushland regenerator/ riverbank restoration officer engaged by the registered proprietor of the land. The plan shall show clearly:
    - a. The delineation and protection of the area within 13-metres from the top of the riverbank within a suitable fenced enclosure;
    - b. The preclusion of any introduction and the permanent exclusion of any grazing stock from that area within 13-metres from the top of the riverbank;
    - c. Details of a native vegetation revegetation program of the riverbank face and zone within 13-metres south of the top of the riverbank. This must include deep-rooted plantings of locally indigenous and suitable native vegetation including trees and shrubs and the recruitment of mangroves. The plan must include:
      - i. Details of plant species, quantities, densities and height and spread at maturity;
      - ii. Details of planting locations;
      - iii. Details of planting procedure and maintenance, including watering;
      - iv. Details of the use of soil stabilisation of actively eroding and exposed areas of the riverbank, including the use of geotextile fabric, wind fences, brush-matting and mulch; and
      - iv. Details of the type and quantity of soil and mulch material to be imported to the land;
  24. Upon its approval and then in perpetuity, the Riverbank Revegetation and Landscaping Plan shall be fully implemented on the land by the Registered Proprietor of the Lot.
  25. No cats shall be introduced, kept, housed or released anywhere on this Lot.
  26. No barbed wire shall be used, introduced or permitted anywhere on this Lot, for any purpose.
  27. No native vegetation, either remnant or regrowth, present on any adjacent landholdings shall be harmed, cleared, modified or removed for any purpose outside the subject land other than for the approved upgrading of the relevant public access roads so as to meet bushfire protection or Great Lakes Council engineering standards.
  28. An application to install an on-site sewage management system must be submitted and approved by Great Lakes Council prior to the issue of a Construction Certificate.
  29. An approval to operate the on-site sewage management system must be obtained from Great Lakes Council prior to an Occupation Certificate being issued.

30. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name, address and telephone number of the principal certifying authority for the work; and
  - (c) showing the name of the principal contractor and a telephone number at which that person may be contacted outside of working hours.

Any such sign is to be removed when the work has been completed.

31. Buildings to be set out by a Registered Surveyor to ensure compliance with this consent, and the approved plan/s, and a copy of plan to be supplied to the principal certifying authority prior to the pouring of any concrete slabs / placement of flooring materials.
32. 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'.
33. To allow for emergency service's personnel and residents to undertake property protection activities unobstructed, pedestrian access 900mm wide (min) is to be provided to access all areas around the building and lot.
34. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- The water source shall be made available or located within the inner protection area (IPA) and away from the structure.
  - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
  - A 65mm Storz outlet with a gate or ball valve shall be provided.
  - In recognition that no reticulated water supply exists, a 20,000 litre water supply shall be provided for fire fighting purposes.
  - The water tank if located above ground shall be of a non-combustible material.
  - Underground tanks shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
  - Tanks and associated fittings on the hazard side of the building shall be provided with adequate shielding to mitigate the impact of flame contact and radiant heat and provide safe access for fire fighters.
  - The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
  - All associated fittings to the tank shall be non-combustible.
  - A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.

- An “SWS” marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
    - a) Markers must be fixed in a suitable location so as to be highly visible; and
    - b) Markers should be positioned adjacent to the most appropriate access for the static water supply
  - Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2002: ‘The storage and handling of LP gas’ and the requirements of relevant authorities. Metal piping is to be used.
  - All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
  - Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed and flexible gas supply lines to gas meters adjacent to building are not to be used.
35. Property access roads shall comply with the following requirements of section 4.1.3 (2) of ‘Planning for Bush Fire Protection 2006’. This includes Wharf and Myola Roads.
- At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road.
  - Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
  - A minimum carriageway width of 4 metres for rural-residential areas, rural landholdings or urban areas.
  - Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
  - In forest, woodland and heath situations, rural property access roads have passing bays every 200 metres that are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
  - A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
  - Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius.
  - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
  - The minimum distance between the inner and outer curves is 6 metres.
  - The crossfall is not to exceed 10 degrees.
  - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
36. In recognition of the isolated location of the development an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document ‘Guidelines for the Preparation of Emergency/Evacuation plan’.

37. All exposed/external timber used in the development shall be of a fire resistant timber species as identified in RFS Development Control Note 001. These species include: Blackbutt, Kwila (Merbau), Red Iron Bark, Red River Gum, Silver Top Ash, Spotted Gum and Turpentine.
38. Construction on the eastern and western elevation(s) shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 3. The remaining elevations are to comply with Level 2 Construction under AS3959-1999. Full details indicating compliance being submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
39. All Class 10 structures as defined per the Building Code of Australia 2006 attached to or within 10 metres of the habitable building shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 3.
40. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
41. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.
42. External doors are to be sealed with draft excluders or weather strips to prevent the entry of embers.
43. The sub-floor shall be enclosed with non-combustible material to prevent the entry of embers.
44. No brushwood fencing shall be used.
45. Structure and shade materials in the inner protection area shall be non-combustible or have a Flammability Index no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.
46. Polycarbonate roof sheeting is to have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.
47. All new fencing shall be non-combustible.
48. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

**The following group of condition/s have been applied to ensure that noise from the development does not create a nuisance and to ensure that reasonable levels of the amenity of the area are maintained during construction and after the erection of the building:**

49. There is to be no construction and/or demolition works, including deliveries on or to the site prior to 7.00 am or after 6.00 pm Monday to Friday, prior to 8.00 am and after 6.00 pm Saturday, and prior to 9.00 am and after 4.00 pm Sunday.

**The following conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:**

50. Stormwater from roof areas shall be linked to a Council approved disposal system immediately before placement of any roofing materials.

Stormwater from roof areas shall be conveyed to on-site storage with overflow to either:

- a) Rubble trenches situated at least 3m from any building and constructed in a manner so as not to create erosion, siltation or topsoil removal from the site;
- b) A detention basin, settling pond or contour drain in such a way as to prevent sediments and other material being eroded from the site.

**The following condition/s have been applied to ensure compliance with the Building Code of Australia (BCA) and relevant Standards established by the Environmental Planning and Assessment Act 1979 and Regulations:**

51. Timber framing members shall comply with the relevant provisions of AS1684 - Residential Timber Framed Construction Code.
52. Bracing and tie-down to the proposed building is to be carried out in accordance with AS1684 (Residential Timber Framed Construction Code).
53. The stair and/or balustrade is to be constructed in accordance with the Building Code of Australia. Wire balustrade construction shall be in accordance with Table 3.9.2.1 BCA 2005. Wire spacings in this table are variable (60mm - 100mm) depending on strand thickness and spacing of supporting posts or rails.

The style of balustrade is to be submitted prior to the issue of a Construction Certificate and where wire balustrades are specified, details of the wire diameter, lay and support spacing are to be submitted. A report from the installer of any wire balustrade indicating that the balustrade meets all requirements of the BCA 3.9.2 and the AS1170.1 including any tensioning requirements is to be submitted prior to the issue of an Occupation Certificate.

54. Install in the building an automatic fire detection and alarm system, complying with the Building Code of Australia, being connected to the mains electrical power supply and having a standby power supply.
55. The proposed building or addition is to be protected from the infestation of termites in accordance with the Building Code of Australia and AS3660. Details of the method of protection are to be specified prior to the issue of a construction certificate. Upon completion of the building work, a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
  - a) the method of protection;
  - b) the date of installation of the system;
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

56. The wet areas in the building shall be impervious to water as required by P2.4.1 of the Building Code of Australia (Housing Provisions). On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the materials used are suitable for the situation, and that the application and/or installation has been carried out in accordance with Australian Standard AS 3740-1994 : Waterproofing of Wet Areas in Residential Buildings.

**The following condition/s have been applied to ensure compliance with Council's Erosion and Sediment Control Policy:**

57. An Erosion and Sediment Control Plan (ESCP) shall be prepared by the applicant (or applicant's agent) prior to a construction certificate being issued.

58. All site works shall be carried out in accordance with the Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate training, or demonstrated knowledge or experience in erosion and sediment control.
59. Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping.
60. Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, nature strip or roadway.
61. Final site spoil shall be disposed of to the satisfaction of Council.
62. Stormwater from roof areas shall be linked to a Council approved stormwater disposal system immediately before placement of any roofing materials.

## **66 RESOLUTION**

That the above recommendation be adopted subject to the following amendments:

Delete Condition 18.

Amend Condition 22 to read:

22. Access to the site for ingress/egress shall be restricted to the existing track infrastructure and no new tracks shall be created on the land, other than that shown on the submitted plan, for any aspect associated with the construction and occupation of the approved dwelling.

Amend Condition 54 to read:

54. Install in the building an automatic fire detection and alarm system, complying with the Building Code of Australia.

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## **2 PES - DA420/2009 - Proposal to Convert Existing Garage/Shed to a Dwelling and Undertake Additions to Existing Building - 15 Avon Street, Stroud**

**Index: DA420/2009 & PK18593**  
**Author: Building Surveyor - David Underwood**  
**DCU Meeting: 15 October 2009**

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### **RECOMMENDATION:**

It is recommended that DA 420/2009 for the proposal to convert the existing garage/shed to a dwelling and undertake additions to the existing building at Lot 9 DP 715780, 15 Avon Street, Stroud be:

1. Refused for the following reasons:
  - A. The development is not considered to be compatible with the general residential character of the village area and is considered contrary to the objective of the zone, as specified in Great Lakes Local Environmental Plan 1996.

- B. The design and materials of the proposal are considered to be unsatisfactory having regard to the presentation/contribution of the development to the streetscape.
  - C. Approval of the use of the existing garage/shed as a dwelling within the Stroud village area would set an undesirable precedent for the area.
2. That Orders be served requiring that the garage/shed cease being used for habitation and that the works be undertaken to the garage/shed to bring it back into compliance with the original approval granted.
  3. In the event that the Order is not complied with that the General Manager be given the Delegated Authority to instigate legal action.

## **67 RESOLUTION**

That that the above recommendation be adopted.

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### **3 PES - DA33/2010 - Set Up and Sell Seafood from Mobile Van - 77 Stroud Street, Bulahdelah**

**Index: DA33/2010 & PK4168**

**Author: Senior Development Assessment Planner – Robyn Shelley**

**DCU Meeting: 15 October 2009**

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#### **RECOMMENDATION:**

It is recommended that Development Application No. 33/2010 seeking consent to set up and sell seafood on Friday afternoons from a mobile van in the car park of Lot 7 DP 659965, 77 Stroud Street, Bulahdelah be refused for the following reasons:

1. The proposal will create an undesirable precedent for mobile food vans to be established in car parks, reserves and the like.
2. The additional use of the car park will generate additional pedestrian and vehicle traffic into the car park area, which has no allowance for pedestrian safety.

The seafood would not be protected in an unsealed car park.

## **68 RESOLUTION**

That the matter be deferred and that a further report be submitted to the Development Control Unit with recommended conditions for approval.

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#### **MEETING CLOSURE**

The meeting closed at 3pm.

#### **CHAIRPERSON**

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