

Minutes of the Development Control Unit Meeting of the Great Lakes Council held at the Council Chambers, Breese Parade, Forster on Thursday, 16 July 2009 commencing at 2.02 pm.

Present Clr Jan McWilliams (Chairperson), Director Engineering Services - Ron Hartley, Manager Development Assessments - Wayne Burgess, Snr District Building Surveyor Forster - Bruce Arkle.

In Attendance Leasing/Caravan Parks Officer – Pat Powell.

Apologies Director Planning & Environmental Services - Glenn Handford, Manager Building Assessments - Gary Mead.

- 6 RESOLVED that the apologies from Director Planning & Environmental Services - Glenn Handford and Manager Building Assessments - Gary Mead be accepted.

ADOPTION OF MINUTES - DEVELOPMENT CONTROL UNIT MEETING DATED 9 JULY 2009

- 7 RESOLVED that the Minutes of the Development Control Unit Meeting of 9 July 2009, copies of which were distributed among the committee members, be taken as read and confirmed as a true record of proceedings.

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST

Nil.

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES' REPORT ATTACHED DATED 16 JULY 2009

Item: D1
Subject: Telecommunications Facility : Lot 121 DP 1135779, 312 Johnsons Creek Road, Stroud Road

- 8 RESOLVED that the application for a telecommunications tower at 312 Johnsons Creek Road Stroud Road be approved subject to the following conditions:-

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:

1. The development must be in accordance with the plans numbered S8200-00, S8200-G1 to S8200-G4 revision A dated February 2009, S8200-T1 revision A dated January 2009 and S8200-S1 revision A dated February 2009, prepared by Connell Wagner Pty Ltd, the application form and on any supporting information received with the application, except as may be amended by the following conditions.
2. 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.

3. 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).
4. Prior to the issue of a construction certificate, Optus shall enter into a licence agreement with MidCoast Water to use the easement for access located on Lot 1 DP 784021 and Lot 11 DP 1098155.
5. Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the certifying authority **prior to the issue of a construction certificate.**
6. **Prior to the issue of a Construction Certificate** a Damage Bond Application Form and a bond of \$1,110 shall be paid to Council for the purpose of funding repairs to any damage that may be occasioned to Council assets by activities/works associated with the construction of the development approved by this consent and ensuring Council standards and specifications are complied with.

The bond will be considered for refund by the Engineering Services Division when an application for an Occupation Certificate is received. A fee of \$110.00 will be deducted from the bond to cover administration costs. The Damage Bond is reviewed periodically and therefore the fee and bond amount payable shall be determined from Council's current fees and charges document at the time of lodgement of the Damage Bond.

7. **Prior to the issue of a Construction Certificate**, a Public Engineering Works Permit (PEWP) application is to be submitted to Council using Council's standard application form. The PEWP is to be accompanied by detailed design plans for the following works:
 - a) Upgrading of the existing driveway entry off Johnsons Creek Rd. in accordance with the RTA Road Design Guide - Intersections at Grade (figure 4.9.7 - Rural Property Access) including as a minimum, a two coat flush seal.
 - b) All necessary traffic control during construction.

The detailed design plans are to be approved by the Director of Engineering prior to the commencement of any engineering works. All work is to be at the developer's expense and must be completed in accordance with Council's Engineering Guidelines, Specifications and Standards. The licensed contractor must have all engineering works inspected in accordance with Council's holding points and the works are to be completed **prior to the issue of the Occupation Certificate.**

The PEWP application is to be accompanied by:

- Engineering supervision fees in accordance with Council's schedule of Fees at the time of lodgement of plans
- A defects liability bond of 5% of the value of all public engineering works associated with the development, as required by this approval, with a minimum of \$2700. The defects liability bond is to be paid upon acceptance of the public works. This bond will be lodged in a Council Trust Fund to cover any defects in the works subsequent to their acceptance by Council. One (1) year after the acceptance of these works by Council, the bond will be refunded if, at an inspection arranged by the applicant, no defects are apparent.

- The defects liability bond is reviewed periodically and the amount may change prior to the issue of the Construction Certificate. The fees and maintenance period shall be determined from Council's current requirements at the time of acceptance of these works.
8. 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. Inspections shall be carried out as required by Section 162A of the EP&A Regulation 2000.
 9. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
 - a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c) The sign must state that unauthorised entry to the work site is prohibited.Any such sign is to be removed when the work has been completed.
 10. Tree protection measures are to be installed **prior to the commencement of construction work** to ensure that all trees surrounding the development site are protected from construction damage. Suitable barriers are to be located to prevent plant and machinery access or materials storage within the tree protection zone.
 11. Sediment and erosion control measures are to be installed **prior to the commencement of work**. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times in accordance with Council's Erosion and Sediment Control Policy.
 12. Toilet facilities are to 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. The toilets shall be chemical (portable WC) toilets or connected to an on-site sewage management system approved by Council.
 13. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.
 14. All collected surface water is to be directed to the existing dam located to the north-east of the proposed telecommunications tower.
 15. **Prior to the issue of the Occupation Certificate** the access track over Lot 1 DP 1135779 and Lot 11 DP 1098155 is to be constructed to a width of 4.0m with gravel pavement a minimum of 150mm thick and adequate under road drainage.
 16. **Prior to the issue of the Occupation Certificate**, a certificate from an appropriately qualified person is to be submitted to the Principal Certifying Authority and to Council certifying that the operation of the communication facility is in accordance with the predicted maximum electromagnetic energy levels (EME) detailed in the Predicted EME report submitted with the development application.

Item: D2
Subject: Modification of Development Consent : Duralie Coal Mine

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RESOLVED that:

- 1) The Department of Planning be advised that no objection is raised to the applicant's proposal to modify Development Consent 168/1999, subject to the Department ensuring that the issues raised by staff in relation to habitat loss offsetting and mine water volume management are satisfactorily resolved; and
- 2) That a copy of this report is to be provided to the Department of Planning.

The meeting closed at 2.14 pm.

CHAIRPERSON