



MINUTES OF THE DEVELOPMENT CONTROL UNIT MEETING

HELD AT COUNCIL CHAMBERS, BREESE PARADE, FORSTER

ON THURSDAY 27 AUGUST 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 27 August 2009 commencing at 2pm.

PRESENT

J McWilliams (Chairperson), Director Engineering Services - Ron Hartley, Senior Development Assessment Planner - David Pirie, Manager Building Assessments - Gary Mead.

IN ATTENDANCE

Admin Officer - Yvette Ellis (Minute Taker).

APOLOGIES

Director Planning & Environmental Services - Glenn Handford; and Manager Development Assessments - Wayne Burgess.

26 RESOLUTION

That the apologies from Director Planning & Environmental Services - Glenn Handford, and Manager Development Assessments - Wayne Burgess be accepted.

ADOPTION OF MINUTES OF MEETING

27 RESOLUTION

That the Minutes of the Development Control Unit Meeting of 13 August 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.

PUBLIC ADDRESSES

PES - Demolition of Existing Structures, Construction of a Multiple Dwelling Development (2 x two storey attached dwellings and reconstruction of driveway access over the adjoining property at 36 Kinka Road (Lot 8 DP 244714)

Public Address - Mr Nick Taylor and Mr Simon Carroll

Mr Nick Taylor (Applicant) and Mr Simon Carroll (Consultant) addressed the committee in support of the application.

CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

1 PES - Demolition of Existing Structures, Construction of a Multiple Dwelling Development (2 x two storey attached dwellings and reconstruction of driveway access over the adjoining property at 36 Kinka Road (Lot 8 DP 244714)

Index: DA 383/2009 & PK 15197

Author: Senior Development Assessment Planner - David Pirie

DCU Meeting: 27 August 2009

Clr Jan McWilliams (Chairperson) drew the committee's attention to an email tabled at the meeting from Mr Robert Welborn (Objector) dated 24 August 2009.

RECOMMENDATION:

It is recommended that:

- A. Deferred commencement consent be granted under Section 80(3) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 383/2009 for multiple dwellings (2) at 34 Kinka Road, Seal Rocks (Lot 7 DP 244714), subject to the following deferred commencement conditions:-

DEFERRED COMMENCEMENT CONDITIONS

The consent will not operate until evidence, as specified in the following deferred commencement conditions, has been submitted to and approved by consent authority and written notice given under Section 100(4)(b) of the Environmental Planning and Assessment Regulation 2000 that the deferred commencement conditions have been satisfied and the date from which the consent operates:-

- A1. External colours, materials and finishes are to blend with the surrounding natural landscape and to be non reflective. Details of the proposed external colours, materials and finishes are to be provided by way of a schedule keyed to the building elevations and submitted in accordance with these requirements.
- A2. A separate revised Final Landscape Plan shall be prepared by a qualified landscape architect/horticulturalist for Lot 7 DP244714 and the road reserve adjacent to the northern boundary and be submitted to Council for approval. The plan shall clearly show:
- a) The final approved location and configuration of the driveway and any parking and storage areas and the type of material to be used for the formation of these areas.
 - b) Final details of earthworks including mounding and retaining walls and the removal of the existing retaining wall on the Council road reserve.
 - c) Final details of the development footprint.
 - d) Final mapped locations and details (including species, trunk diameter and height) of trees that are to be removed for the approved development. Trees are defined as vegetation, whether alive or dead, that exceed 3-metres in height or 100mm in trunk diameter at breast height but which are not multi-stemmed shrubs. Trees shall be marked clearly for retention or for removal, as is required.
 - e) Comprehensive detail as to the means with which trees that are to be retained are to be adequately protected during the clearing and construction (e.g. orange safety mesh fencing, protection of critical root zones, etc).

- f) Details of a revegetation and habitat enhancement program for Lot 7 post-construction that demonstrably achieves a compensatory/ net gain in native coastal plants and serves to screen and landscape the approved development. This must include details of planting locations, densities and numbers.
- g) Details of the stabilisation and revegetation of the area of land where the existing retaining wall is to be removed from within the Council road reserve and the replacement of any native plants affected or harmed during that removal.
- h) Details of species to be planted, their maximum height and canopy spread, planting density, planting procedure and maintenance.
- i) The use of predominantly native flora species that grow in coastal locations and littoral rainforests in the Seal Rocks locality.
- j) Details of planting procedure, protection and maintenance including replacement of lost stock. This must include that planted specimens to be used to compensate the removal of trees from the land be immediately protected by Council's TPO (LEP Clause 10);
- k) The use of mulching of the land and the retention of log sections from the felled trees for ground fauna habitat and ground surface stabilisation; and
- l) The details of the means with which all Lantana and Bitou Bush shall be removed from Lot 7 and continually suppressed and eradicated and replaced with native shrub and groundcover.
- m) The following trees shall be removed from the landscape plan as included in the Table below as they are not in accordance with the vegetation choices as outlined in Appendix 5 of "Planning for Bushfire Protection 2006". They shall be replaced with suitable species and the Table below also lists recommended suitable replacement species

Trees to be removed from landscaping plan	Recommended replacement species
6 x Agonis species	6 x Syzgium species
1 x Eucalyptus ficifolia	1 x Acmena smithii
1 x Eucalyptus ineria	1 x Acmena smithii

Evidence required to satisfy the above deferred commencement conditions must, in accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, be submitted to Council within 12 months of the date of this consent.

- B. Delegation be given to the Director, Planning and Environmental Services to determine satisfactory compliance with the above deferred commencement conditions, and to make the consent to Development Application No. 383/2009 for multiple dwellings (2) at 34 Kinka Road, Seal Rocks (Lot 7 DP 244714), operational under Section 100(4)(b) of the Environmental Planning and Assessment Regulation, subject to the following conditions under Section 80A of the Environmental Planning and Assessment Act, 1979, as amended:-

DEVELOPMENT CONSENT CONDITIONS

REFERENCED PLANS:

- 1. The development must be implemented substantially in accordance with the plans with Project No. 0409 and Drawings Numbered DA001, DA002, DA003, DA004, all Issue C dated 20 February, 2009, the application form and on any supporting information received with the application, except as may be amended by the following conditions:

The following condition is applied in accordance with the recommendations of the Rural Fire Service in accordance with Section 79BA of the Environmental Planning and Assessment Act 1979:

2. Prior to the issue of any construction certificate, a Section 88B Instrument shall be created and registered with the Land Titles Office. The Section 88B Instrument shall burden adjoining Lot 8 DP 248445 for vehicular access from Kinka Road in favour of Lot 7 DP 248445 as well as reciprocal rights of way over the common driveway and manoeuvring areas
3. Creation of a Section 88B Instrument burdening adjoining Lot 8 DP 248445 for vehicular access from Kinka Road in favour of Lot 7 DP 248445 as well as reciprocal rights of way over common driveway and manoeuvring areas.
4. The following matters shall be complied with in accordance with the recommendations of the Rural Fire Service under Section 79BA of the Environmental Planning and Assessment Act 1979:-

Asset Protection Zones

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

- a) 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'.
- b) To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

Water and Utilities

The intent of the 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.

- c) 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 4m of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - 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 access for truck access is to be supplied within 4m 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.

- 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:
 - i) markers must be fixed in a suitable location so as to be highly visible; and
 - ii) 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 with Australian Standard AS/NZ 1596.2002: 'The storage and handling of LP gas' and the requirements of the relevant authorities. Metal piping is to be used.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

- d) Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

- e) 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.
- f) All Class 10 structures as defined per the 'Building Code of Australia' 2006 attached to or within 10m of the habitable building shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire areas' Level 3.
- g) Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
- h) 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'.
- i) External doors are to be sealed with draft excluders or weather strips to prevent the entry of embers.
- j) No brushwood fencing shall be used.
- k) Vents and weepholes shall be screened with corrosive resistant steel mesh with an aperture not greater than 1.8mm.
- l) The sub-floor shall be enclosed with non-combustible material to prevent the entry of embers.
- m) Polycarbonate roof sheeting is to have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.
- n) All new fencing shall be non-combustible.

- o) New construction on the northern, eastern and western elevation(s) shall comply with Australian Standard AS 3959-1999 'Construction of buildings in bush fire-prone areas' Level 3.

Landscaping

- p) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Details are to be submitted from an appropriately qualified person demonstrating compliance with the above conditions, prior to the issue of the Construction Certificate are to be submitted to the certifying authority.

The following conditions are applied to satisfy the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

- 5. All landscaping shall be carried out in accordance with the Landscape Plan approved by the satisfaction of Deferred Commencement Condition A3 prior to the issue of any Occupation Certificate and be maintained in accordance with the plan at all times.
- 6. External finishes and colours shall be in accordance with those approved by the satisfaction of Deferred Commencement Condition A2.
- 7. All vertical plumbing, other than rain water heads and downpipes, to be concealed within the building.
- 8. All glass used externally shall have a maximum reflectivity index of 20% with certification being provided to the certifying authority prior to installation.
- 9. Only those trees and native vegetation within the approved development footprint shall be removed, harmed or injured. In this respect, prior to any site works, the extent of the approved disturbance area shall be marked on the Kinka Road Reserve and Lot 7 through the establishment of orange safety mesh barrier fencing. Such fencing shall demarcate and limit the deliberate or accidental impacts of the works and shall protect all adjacent native vegetation and trees from clearing, harm or modification. There shall be no stockpiling, storage of constructive vehicle access outside the marked disturbance area. The fencing specified in this condition shall be maintained until such time as all aspects of the construction has been completed.

All trees that are not identified to be removed in the above condition shall be conserved in their present state, free from direct or indirect construction impacts. These trees shall remain duly protected under Clause 10 of GLLEP 1996, the tree preservation order.

- 10. Any excavations must be conducted sensitively within the drip zone of the trees and native vegetation to be retained. The supporting roots must not be severed and if such features are encountered during the works, hand excavation or boring shall be utilised to protect these roots and establish the utilities under existing roots.
- 11. The trees identified for removal shall be felled using directional or sectional techniques that avoid damage or harm to surrounding vegetation.
- 12. Trees and shrubs removed from the study area shall be used either in log form or as mulch. No felled vegetation shall be burnt.
- 13. All Bitou Bush and Lantana on the site shall be removed and continuously suppressed and destroyed using appropriate and best practice techniques that do not harm, injure or kill native vegetation.

14. A 'Waste Management Plan' must be prepared using Council's prescribed format and approved by Council's Waste Management Coordinator prior to issue of a Construction Certificate.
15. The retaining wall along the northern front boundary shall be reconstructed to engineer's specifications as a rock gabion retaining wall to a maximum height of RL 11.00 AHD wholly within the site. The existing collapsed concrete block retaining wall immediately in front of the northern site boundary shall be entirely removed from Council's road reserve following completion of the new retaining wall.
16. The details of the demolition contractor engaged to remove the existing building and any associated structures must be provided to Council prior to any demolition work being undertaken.
17. The demolition and removal of all asbestos material is to be undertaken in accordance with WorkCover requirements.
18. If asbestos is present in a greater amount than 10m², then the demolition and removal must be undertaken by a WorkCover licensed demolition contractor who holds the appropriate WorkCover licence (e.g. Asbestos Demolition Licence) for the material to be demolished.
19. All asbestos is to be removed from the site and be disposed of at an approved licensed waste facility.
20. All asbestos waste shall be delivered to an approved licensed waste facility in heavy duty sealed polyethylene bags. The bags are to be marked "Caution Asbestos" with 40mm high lettering. Twenty four (24) hours notice must be given to the waste facility prior to disposal.
21. Receipts of the disposal of all asbestos to a licensed waste facility must be provided to Council prior to the issue of an occupation certificate.
22. Noise associated with all mechanical plant and equipment, including water tank pumps and air conditioners shall not be a source of "offensive noise" at the nearest affected residence as defined by the Protection of the Environment Operations Act 1997 at any time.

"offensive noise" means 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.
23. All fill used on the allotment must be clean, natural inert material.
24. Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks & Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks & Wildlife Act 1974.

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:

25. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.

26. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

27. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

28. Use of the dwellings as a "tourist facility" as defined in the Dictionary of the Great Lakes Local Environmental Plan 1996 will require separate development consent.

29. Subdivision shall be the subject of a separate development application.

30. 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.

31. An approval to operate the on-site sewage management system must be obtained from Great Lakes Council prior to an Occupation Certificate being issued.

32. 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 and prior to 8.00 am and after 6.00 pm Saturday. No work including deliveries on or to the site Sundays or Public Holidays.

33. 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.

34. 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.

35. 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).

36. 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 Structural Engineer shall take into account the recommendations

of the Coffey Geotechnics Report "Proposed Split Level, Dual Occupancy, 34 Kinka Road, Seal Rocks, Revised Geotechnical Assessment" dated 17 February, 2009 in preparation of the structural drawings. 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.

37. 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.

38. Toilet facilities are to be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site:

- a) Each toilet provided must be a standard flushing toilet and must be connected to MidCoast Water's sewer; and
- b) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

39. To minimise soil erosion, the recommendations for erosion management as contained within the Coffey Geotechnics Report "Proposed Split Level, Dual Occupancy, 34 Kinka Road, Seal Rocks, Revised Geotechnical Assessment" dated 17 February, 2009 shall be implemented as well as the following measures in the sequence outlined

- a) Approved runoff and erosion controls shall be installed prior to clearing of site vegetation (other than that associated with the construction of the controls). These shall be as shown on an Erosion and Sediment Control Plan approved by Council.
- b) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.
- c) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural or artificial water body, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned.
- d) Uncontaminated runoff shall be intercepted upslope and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
- e) Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, road base, spoil or other sediment escaping from the site or entering any downstream drainage easements or natural or artificial water bodies.

- f) The stormwater pollution prevention works shall be done in accordance with Landcom's "Soils and Construction Volume 1 Manual, 4th Edition, March 2004 Managing Urban Stormwater" (Blue Book)
40. 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.
41. 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.
42. Retaining walls or other approved methods of preventing movement of the soil must be provided if the soil conditions require it and adequate provisions made for drainage. Where retaining walls exceed one (1) metre in height, Engineers details must be submitted to and approved by the Principal Certifying Authority.
43. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) must preserve and protect the building from damage.
 - b) if necessary, must underpin and support the building in an approved manner.
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public places.

44. 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.
45. There is to be no encroachment of the structure/s (including roof guttering or footings) onto the adjoining premises or onto Council's footway/road reserve.
46. Building materials, sand or waste materials shall not be placed on the footway or road reserve at any time.
47. 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 footings.
48. A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises within 100m of the site prior to any pile driving.

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above-stated premises, prior to the commencement of any works.

49. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.
50. The developer submitting a Driveway Application to Great Lakes Council prior to the issue of a Construction Certificate.

All work is to be at the developer's expense and completed in accordance with the Driveway Levels issued by Great Lakes Council, and the following:

- a) Driveways being constructed in concrete or permeable paving over the footpath area.
 - b) Driveways shall be a minimum of 3.1m wide and provide kerb barrier to the northern edge.
 - c) Submission and approval by Council, of a driveway stormwater infiltration disposal system.
 - d) Driveways to meet Great Lakes Council standards issued prior to release of the Damage Bond.
51. Design details for an on-site detention/disposal system for stormwater with an overflow by piped system and/or overland surcharge path to Council's drainage network (kerb adaptor required if discharged to kerb and gutter) being approved by the principal certifying authority, prior to a Construction Certificate being issued. The system is to be designed so that the maximum outflow from the developed site is less than or equal to the maximum outflow of the undeveloped site, for the ARI specified below:

Residential 1 in 5 year storm event

Calculation showing the effect of the design storm runoff flow rates and the efficiency of the proposed measures to limit the flows, as set out in this condition, are to be submitted with details on how the system is to be maintained.

A Geotechnical Engineer's report being submitted with the Application for a Construction Certificate indicating the suitability of the land for on-site soakage and the impact on the proposed development and the surrounding land/structures. Where the land is found to be unsuitable, the system is to be designed as on-site detention.

The construction of the system is to be certified by the designer prior to occupation of the development and a Works-as-Executed Plan is to be submitted to Council from a Certified Engineer or Surveyor whose qualifications are acceptable for membership of the Institution of Engineers and Surveyors, Australia.

52. All carparking and vehicular manoeuvring areas being constructed with permeable parking to Council's satisfaction. Details are to be submitted with the application for a construction certificate.
53. Internal carparking and manoeuvring areas shall have a 100mm concrete kerb along any edges which may allow stormwater to discharge onto neighbouring properties.
54. Submission of a Damage Bond Application Form and payment of a bond in the amount of \$4,650 payable 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 shall be paid to Council prior to the issue of any Construction Certificate that may be issued for any component of the development.

Note: The bond will be considered for refund by the Engineering Services Division when an application for occupancy of the development is lodged.

A fee will be deducted from the bond to cover administration costs as follows:

- a) \$232.50 (Rate of 0.05% of the value of developments exceeding \$400,000 – Note that the minimum fee is \$200).

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.

55. Submission and approval by Council of a structural design by a suitably qualified civil engineer for the proposed repairs and or replacement of the existing retaining wall located on the northern site boundary prior to issue of a building construction certificate.
54. In accordance with Section 94 of the Environmental Planning and Assessment Act 1979, a monetary contribution shall be paid to Council prior to the issue of a Subdivision Certificate. 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:

Code	Contributions Plan	Facility	quantity	unit		rate	=	amount
GLW-04	Great Lakes Wide	Library Bookstock	1.2	persons	@	\$66.12	=	\$79.34
GLW-07	Great Lakes Wide	Headquarters Building	1.2	persons	@	\$198.79	=	\$238.55
GLW-05	Great Lakes Wide	s94 Admin	1.2	persons	@	\$63.29	=	\$75.95
GLW-01	Great Lakes Wide	Rural Fire Fighting	1.2	persons	@	\$565.29	=	\$678.35
VOS01	Open Space Rural Districts		1.2	persons	@	\$692.00	=	\$830.40
						Total		\$1,902.59

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 Contribution Plans and the Standard Schedule for Section 94 Plans may be viewed on council's web site www.greatlakes.nsw.gov.au or at council's offices at Breese Parade, Forster.

28 RESOLUTION

That the above recommendation be adopted.

2 PES - Proposed Attached Dual Occupancy & 2 Lot Torrens Title Subdivision - 25/32 Parkway Drive, Tuncurry

Index: DA434/2009 & PK31008

Author: Development Assessment Planner – Joanne Dunkerley

DCU Meeting: 27 August 2009

Clr Jan McWilliams (Chairperson) drew the committee's attention to a memo tabled at the meeting from Development Assessment Planner, Joanne Dunkerley, dated 21 August 2009, in relation to five cabbage tree palms on the site.

RECOMMENDATION:

That the application for construction of two attached multiple dwellings together with torrens subdivision at 25/32 Parkway Drive Tuncurry be approved subject to the following 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:
 - architectural plans numbered 2008-070 A-6/e, dated June 2009 and prepared by Neil Ryan;
 - subdivision plans numbered 09072DA, dated 25 June 2009 and prepared by Mark Searles Consulting Surveyors

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. The floor level of all habitable rooms shall be no lower than RL 2.78 AHD, so as to be 500mm above the estimated level of the 1:100 flood. Plans detailing these levels must be submitted with the **Construction Certificate Application**.
5. 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.
6. **Prior to the issue of the Construction Certificate**, a detailed report from a suitably qualified and experienced Engineer is to be submitted to the Certifying Authority, to certify that the building, footings and foundations have been designed to be structurally adequate to withstand the forces of flood water, debris and buoyancy up to the 1:100 flood level including the current projection for sea level rise to the year 2060.
7. All external building materials shall be in neutral, recessive, non-reflective colours and textures, which harmonise with the colours of the natural landscape. A schedule of external colours and finishes is to be submitted and approved by the Certifying Authority **prior to the issue of the Construction Certificate**. In this regard unpainted metal, zincalume, white or off-white materials are not acceptable.
8. **Prior to the issue of a construction certificate**, a Certificate of Compliance from MidCoast Water is to be submitted to the Certifying Authority stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.
9. **Prior to the issue of a Construction Certificate**, design details for an on-site infiltration and detention/disposal system for the site stormwater with a suitable overflow directed to the "Parkway

Grove" piped drainage system is to be submitted to and approved by the Certifying Authority. The system is to be designed to drain by infiltration for the 1 in 5 year ARI storm event.

Calculation showing the design storm runoff flow rates and the efficiency of the proposed measures to limit the flows, as set out in this condition, are to be submitted with details on how the system is to be maintained. The following design guidelines shall be adopted:

- a) A piped overflow to the drainage network in Parkway Grove shall be provided;
- b) Suitable cross easements are to be created on the subdivision plan where required;
- c) The infiltration trench shall be located a minimum of 2.1m from a side or rear boundary and 3.0m from any structure (unless certification from a structural engineer is provided certifying that there will not be and adverse affects on the structure);
- d) The infiltration trench is to be designed based on a maximum 0.25 litres per second per m². Alternatively, with a geotechnical engineer's investigation and recommendations of an infiltration rate and safety measures to be adopted (a minimum safety factor of 2 for blockages etc is to be applied);
- e) Stormwater from paved areas is not to be discharged across the footpath. Were the slope of the pavement area is such that it drains towards the footpath, a minimum 300mm wide grating is to be proved across the paving within the property (grate selection should consider traffic loads and bicycles); and the driveway sloped onto and over adjacent landscaping area
- f) The construction of the system is to be certified by the designer **prior to the issue of the Occupation Certificate.**

10. **Prior to the issue of the Construction Certificate**, a "Cabbage Tree Palm Management Report" prepared by a Level 4 or 5 qualified Arborist is to be submitted to Council for approval. The Plan must include:

- i. A plan of all cabbage tree palms on the development footprint and a 20-metre radius around that development footprint on the subject land that are greater than 0.5-metres in height, specifying those palms to be retained and protected in their natural state and those palms that are to be relocated.
- ii. A plan identifying the intended planting location of those palms that are to be relocated
- iii. Details of the means to protect the palms that are to be retained and which shall include, but not be limited to, signage, barrier fencing and protection of root zones.
- iv. Details of the means with which those palms that are to be relocated are excavated, transported and re-established in a manner in which the highest possible chance of successful relocation is achieved. This shall include details on machinery/ equipment, trimming, supervision and actions for nurturing/ maintenance.

All cabbage tree palm relocation activities shall be directly supervised by a Level 4 or 5 qualified Arborist, whom shall provide direction and advice to that relocation. All relocated cabbage tree palms shall be subject to specific nurturing and maintenance for a period not less than 12-months and inclusive of two summer seasons, which shall be implemented or commissioned by the registered proprietor of the land.

For each relocated cabbage tree palm, a Level 4 or 5 qualified arborist shall conduct an inspection of the relocated palm at intervals of 1-month, 3-months and 12-months post relocation and shall provide a 12-monthly progress report on the success of the relocation for each relocated palm to Council's Tree Management Officer. In the event that the relocation of cabbage tree palms is not successful (ie. the relocated palm dies within the maintenance period), then the registered proprietor of the land shall replace that palm with plantings of cabbage tree palms in

minimum 15-litre pots at a ratio of 3 to 1, either on the land or shall provide such stock to Council for planting on suitable public land at Council's direction and by Council.

Alternatively, Council will accept payment of a bond in the amount of \$300 per cabbage tree palm to be paid **prior to the issue of the Construction Certificate**. Should the relocation be unsuccessful, the bond will be retained and the applicant will be required to replace the trees with the same species. The bond will be refunded 6 months after the completion of work if the relocated trees or replacement trees have survived.

11. In accordance with Section 94 of the Environmental Planning and Assessment Act 1979, a monetary contribution shall be paid to Council **prior to the issue of a Construction Certificate**. 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:

Code	Contributions Plan	Facility	quantity	unit		rate		amount
GLW-04	Great Lakes Wide	Library Bookstock	2	persons	@	\$66.12	=	\$132.24
GLW-07	Great Lakes Wide	Headquarters Building	2	persons	@	\$198.79	=	\$397.58
GLW-05	Great Lakes Wide	s94 Admin	2	persons	@	\$63.29	=	\$126.58
FD04	Forster District	Major Roads Inner Zone	1	one way trips	@	\$481.60	=	\$481.60
FD03	Forster District	Aquatic Centre	2	persons	@	\$137.37	=	\$274.74
FD01	Forster District	Surf Life Saving	2	persons	@	\$69.61	=	\$139.22
FOS-01	Forster District	Open Space	2	persons	@	\$1,246.01	=	\$2,492.02
FD07	Forster District	Library Facility	2	persons	@	\$431.14	=	\$862.28
FD11	Forster District	Community Facilities	2	persons	@	\$470.61	=	\$941.22
						Total		\$5,847.48

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 www.greatlakes.nsw.gov.au or at Council's offices at Breese Parade, Forster.

12. The Principal Certifying Authority (PCA) is to ensure that the proposed development is constructed in accordance with the requirements of BASIX Certificate No. 256622S and 256623S dated 26 June 2009. The Plans submitted for approval with the Construction Certificate must include all of the BASIX Certificate commitments indicated in this certificate. Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate may be required.

13. 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;
 - ii) and 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.
14. Erosion and sediment control devices are to be installed **prior to the commencement of work** in order to prevent sediment and silt from site works being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland and neighbouring properties and measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development. 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.
15. 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 **prior to the commencement of work**. 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.
16. **Prior to the commencement of work**, toilet facilities are to be provided at the work site on which work involved in the erection or demolition of a building is being carried out, 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 and must be connected to MidCoast Water's sewer; and
17. 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.
18. Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:
- a) Monday to Friday, from 7 am to 6 pm.
 - b) Saturday, from 8 am to 1 pm.
- No construction work is to take place on Sundays or Public Holidays.
19. Stormwater from roof areas shall be linked to a Council approved disposal system immediately before placement of any roofing materials.
20. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.

21. A certificate from a registered surveyor is to be submitted to the Certifying Authority prior to proceeding beyond floor level certifying that the floor levels are in accordance with the levels approved in this consent.
22. The premises shall not be occupied until all conditions of this consent have been complied with and an occupation certificate has been issued in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
23. **Prior to the issue of an Occupation Certificate**, all driveway construction works must be completed in accordance with the following requirements:
 - a) Driveways being constructed in concrete (or equivalent) over the footpath, at right angles to the right of carriageway (Parkway Grove)
 - b) Footpath crossings shall be a minimum of 3.1m wide and located a minimum of 1.0m from the side boundaries.
24. **Prior to the issue of a Occupation Certificate**, a Certificate of Compliance from MidCoast Water is to be submitted to the Certifying Authority stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.
25. The developer shall restore, replace or reconstruct and damage caused to road pavements, surfaces, street furniture, roadside drainage, street lighting or underground facilities on the haulage routes used for the construction of the development.
26. Disposal of garbage and other wastes generated by the development is to comply with Council Policy. Council provides a 240 litre mobile garbage / recycling bin service for all premises.
27. The development is to be completed in accordance with the approved plans **prior to the issue of the Subdivision Certificate**.
28. The lodgement, with the application for a subdivision certificate, of proper plans of subdivision and seven copies, prepared by a Registered Surveyor and suitable for registration by the Land Titles Office, including any necessary Section 88B Instruments. Note: Council will not endorse restrictions as to user other than those required under these conditions or as approved in the Development Application. The plans of survey are to show connections to at least two survey control permanent marks where such exist in the vicinity of the subdivision or where practical. Existing and proposed street names are to be shown on the plans.
29. **Prior to the issue of the Subdivision Certificate** a Certificate of Compliance from Telstra Australia is to be submitted to Council to verify that satisfactory arrangements have been made and all payments have been finalised for the supply of telephone services to the development.
30. **Prior to the issue of the Subdivision Certificate** a Certificate of Compliance from Country Energy is to be submitted to Council to verify that satisfactory arrangements have been made and all payments finalised for the supply of electricity to the development and that all headworks charges have been paid.
31. **Prior to the issue of the Subdivision Certificate**, a Certificate of Compliance from MidCoast Water is to be submitted to Council stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.
32. **Prior to the issue of the Subdivision Certificate**, a Certificate from a registered Surveyor shall be submitted to Council stating that no services or public utility presently connected to the existing building shall straddle the proposed new boundary. Alternatively, an easement shall be provided within one lot to cover services and structures over the other lot.

29 RESOLUTION

That the above recommendation be adopted.

3 PES - Multiple Dwellings x 2 & 2 Lot Strata Subdivision - 13 Morang Street, Hawks Nest

Index: DA767/2008 & PK11155

Author: Development Assessment Planner – Joanne Dunkerley

DCU Meeting: 27 August 2009

RECOMMENDATION:

That the application for demolition of the existing dwelling and the erection of two attached multiple dwellings together with strata subdivision at 13 Morang Street Hawks Nest be approved subject to the following conditions:

1. The development must be in accordance with architectural plans numbered 141-09 sheet 1 dated 12/6/09 and prepared by P B Eveleigh Plan Service, 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**, detailed design plans of the driveway are to be submitted and approved by the Certifying Authority. The plans must demonstrate:
 - No excavation of the original soil level for the construction of the driveway;
 - An offset of 1m from the trunk of the *Eucalyptus pilularis* (Blackbutt) tree; and
 - Provide details of the permeable driveway material that is to be used;
 5. 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.
 6. All external building materials shall be in neutral, recessive, non-reflective colours and textures, which harmonise with the colours of the natural landscape. A schedule of external colours and finishes is to be submitted and approved by the Certifying Authority **prior to the issue of the Construction Certificate**. In this regard unpainted metal, zincalume, white or off-white materials are not acceptable.
 7. **Prior to the issue of a construction certificate**, a Certificate of Compliance from MidCoast Water is to be submitted to the Certifying Authority stating that satisfactory arrangements have
-

been made and all payments have been finalised for the provision of water supply and sewerage to the development.

8. **Prior to the issue of a Construction Certificate**, design details for an on-site detention/disposal system for stormwater with an overflow by piped system and/or overland surcharge path to Council's drainage network (kerb adaptor required if discharged to kerb and gutter) is to be submitted to and approved by the Certifying Authority. The system is to be designed so that the maximum outflow from the developed site is less than or equal to the maximum outflow of the undeveloped site, for the 1 in 5 year storm event ARI

Calculation showing the effect of the design storm runoff flow rates and the efficiency of the proposed measures to limit the flows, as set out in this condition, are to be submitted with details on how the system is to be maintained.

A Geotechnical Engineer's report is to be submitted with the Application for a Construction Certificate indicating the suitability of the land for on-site soakage and the impact on the proposed development and the surrounding land/structures. Where the land is found to be unsuitable, the system is to be designed as on-site detention.

The construction of the system is to be certified by the designer prior to the issue of the Occupation Certificate and a Works-as-Executed Plan is to be submitted to Council from a Certified Engineer or Surveyor whose qualifications are acceptable for membership of the Institution of Engineers and Surveyors, Australia.

9. **Prior to the issue of a Construction Certificate** a Driveway Application is to be submitted to Great Lakes Council. All work is to be at the developer's expense and completed in accordance with the Driveway Levels issued by Great Lakes Council, and the following:
 - a) Driveway being constructed in concrete over the footpath, at right angles to the existing bitumen road.
 - b) Footpath crossing shall be a maximum of 6.1m wide and located a minimum of 1m from the side boundaries.
 - c) Driveway to meet Great Lakes Council standards issued prior to release of the Damage Bond.
10. In accordance with Section 94 of the Environmental Planning and Assessment Act 1979, a monetary contribution shall be paid to Council **prior to the issue of a Construction Certificate**. 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:

Code	Contributions Plan	Facility	quantity	unit		rate		amount
GLW-04	Great Lakes Wide	Library Bookstock	1.2	persons	@	\$66.12	=	\$79.34
GLW-07	Great Lakes Wide	Headquarters Building	1.2	persons	@	\$198.79	=	\$238.55
GLW-05	Great Lakes Wide	s94 Admin	1.2	persons	@	\$63.29	=	\$75.95
GLW-01	Great Lakes Wide	Rural Fire Fighting	1.2	persons	@	\$565.29	=	\$678.35
TGHN08	Tea Gardens District	Major Roads	1	one way trips	@	\$342.89	=	\$342.89
TGHN04	Tea Gardens District	Open Space	1.2	persons	@	\$1,258.00	=	\$1,509.60
TGHN01	Tea Gardens District	Library and Community Facilities	1.2	persons	@	\$474.94	=	\$569.93
TGHN10	Tea Gardens District	Surf Life Saving	1.2	persons	@	\$60.99	=	\$73.19
					Total			\$3,567.80

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 www.greatlakes.nsw.gov.au or at Council's offices at Breese Parade, Forster.

11. **Prior to the issue of a Construction Certificate**, a Damage Bond Application Form shall be submitted to Council together with a bond in the amount of \$2,110.00 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 occupancy of the development or release of subdivision is lodged. A fee of \$378.15 (Rate of 0.05% of the value of developments exceeding \$400,000 – note that the minimum fee is \$200) will be deducted from the bond to cover administration cost. 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.

12. The Principal Certifying Authority (PCA) is to ensure that the proposed development is constructed in accordance with the requirements of BASIX Certificate No. 256622S and 256623S dated 26 June 2009. The Plans submitted for approval with the Construction Certificate must include all of the BASIX Certificate commitments indicated in this certificate. Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate may be required.

13. 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.
14. **Prior to the commencement of work** tree protection measures are to be erected to protect the critical root zone of the *Eucalyptus pilularis* (Blackbutt). Protective barrier fencing is to be erected at a minimum distance of 1.5m from the trunk of these trees to prevent tree damage, plant and machinery access and materials storage, within the tree protection zone. A sign is to be erected in a prominent location identifying the reasons for the tree protection zone and instructing workers to keep clear of the zone. Tree protection fence shall be adequately maintained through the duration of the building works.
15. Erosion and sediment control devices are to be installed **prior to the commencement of work** in order to prevent sediment and silt from site works being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland and neighbouring properties and measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development. 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.
16. 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 prior to the commencement of work. 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.
17. **Prior to the commencement of work**, toilet facilities are to be provided at the work site on which work involved in the erection or demolition of a building is being carried out, 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 and must be connected to MidCoast Water's sewer; and
18. 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.
19. Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:
- a) Monday to Friday, from 7 am to 6 pm.
 - b) Saturday, from 8 am to 1 pm.

No construction work is to take place on Sundays or Public Holidays.

20. Demolition works being carried out in accordance with AS2601 – ‘The demolition of structures’.
21. All asbestos wastes associated with demolition/renovation works are to be disposed of in accordance with the requirements of the WorkCover Authority. Council requires 48 hours notice prior to disposal at Council’s waste depot.
22. Stormwater from roof areas shall be linked to a Council approved disposal system immediately before placement of any roofing materials.
23. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer’s expense.
24. The premises shall not be occupied until all conditions of this consent have been complied with and an occupation certificate has been issued in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
25. **Prior to the issue of an Occupation Certificate**, a Certificate of Compliance from MidCoast Water is to be submitted to the Certifying Authority stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.
26. Disposal of garbage and other wastes generated by the development is to comply with Council Policy. Council provides a 240 litre mobile garbage / recycling bin service for all premises.
27. The development is to be completed in accordance with the approved plans **prior to the issue of the Subdivision Certificate**.
28. **Prior to the issue of the Subdivision Certificate**, amended strata plans are to be submitted which are consistent with the approved architectural plans.
29. **Prior to the issue of the Subdivision Certificate**, a Certificate of Compliance from MidCoast Water is to be submitted to Council stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.

30 RESOLUTION

That the above recommendation be adopted.

4 PES - Proposed Use of Storage Room - 5 Emerald Place, Green Point

Index: D489/2009 & PK10072
Author: Assessment Officer - David Underwood
DCU Meeting: 27 August 2009

RECOMMENDATION:

- A) That the owner of the premises at 5 Emerald Place, Green Point is issued with a penalty infringement notice, under Section 127A of the Environmental Planning and Assessment Act 1979 for carrying out work without first obtaining development consent.
 - B) It is recommended that DA489/2009 for the proposed use of the Store Room at Lot 118 DP 31825, 5 Emerald Place, Green Point be approved subject to conditions as outlined as follows;
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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. Certification to be provided from a licensed electrician certifying that the wiring of the storeroom has been undertaken in accordance with the relevant Australian Standards.

The following condition/s have been applied to ensure that reasonable levels of health, safety and amenity for the occupants of the building, neighbouring properties and the locality are maintained after the erection of the proposed building:

3. The converted storeroom is not to be used as a habitable room.

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:

4. 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 occupation/use. Upon completion of the 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.

31 RESOLUTION

That the above recommendation be adopted.

5 PES - Proposed Two Level Deck & Awning - 29 Regatta Avenue, Forster

Index: D534/2009 & PK6521
Author: Senior Building Surveyor - Bruce Arkle
DCU Meeting: 27 August 2009

RECOMMENDATION:

- A. It is recommended that Development Application No 534/2009 for the erection of a ground and first floor roofed deck is approved subject to the conditions below:

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.
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2. The owner shall provide, with any application for a construction certificate, certification from a qualified Structural Engineer confirming that all structural works completed to date are adequate and capable of supporting proposed loads.
3. 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) Framework including floor, wall and roof framing prior to fixing of internal lining.
 - b) Stormwater drains.
 - c) Final.
4. 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.
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. 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.
7. Toilet facilities are to be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site:
 - a) Each toilet provided must be a standard flushing toilet and must be connected to MidCoast Water's sewer; and
 - b) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
8. 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.
9. The additions to the building are not to be occupied until fully completed in accordance with the approved plans and conditions of development consent.

10. Roof material shall be of a subdued low-reflective colour installed in accordance with the manufacturer's details. The colour of the roofing 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).
11. 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.

The following condition/s have been applied to ensure that reasonable levels of health, safety and amenity for the occupants of the building, neighbouring properties and the locality are maintained after the erection of the proposed building:

12. Building materials, sand or waste materials shall not be placed on the footway or road reserve at any time.

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:

13. Stormwater shall be discharged to the existing stormwater drainage system or as an alternative to the street gutter.

Notes:

- a) The pipeline shall be connected to the kerb and gutter with a precast rigid kerb adaptor.
- b) The kerb adaptor shall:
 - (i) be constructed flush with the kerb;
 - (ii) have no sharp edges.
- c) Steel adaptors shall be hot dipped galvanised.

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:

14. Timber framing members shall comply with the relevant provisions of AS1684 - Residential Timber Framed Construction Code.

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

15. All erosion and sediment control measures undertaken on the site shall be undertaken to conform to the specifications and standards contained in Council's guidelines.
16. Stormwater from roof areas shall be linked to a Council approved stormwater disposal system immediately before placement of any roofing materials.
17. The site shall be landscaped with all disturbed ground being stabilised against erosion to Council's satisfaction within 30 days of completion of building works.

B. That the owner of the premises is issued with a penalty infringement notice for carrying out building work where prior approval is required.

32 RESOLUTION

That the above recommendation be adopted.

MEETING CLOSURE

The meeting closed at 2.15pm.

CHAIRPERSON