



MINUTES OF THE DEVELOPMENT CONTROL UNIT MEETING

HELD AT COUNCIL CHAMBERS, BREESE PARADE, FORSTER

ON THURSDAY, 29 OCTOBER 2009

TABLE OF CONTENTS

PRESENT 1

IN ATTENDANCE 1

APOLOGIES 1

ADOPTION OF MINUTES OF MEETING 1

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST 1

CONSIDERATION OF OFFICERS’ REPORTS: 1

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES 1

 1 PES - Proposed Aerial, Retaining Wall and Gazebo - DA54/2010 - 6 Kiola Place, Forster..... 1

 2 PES - Proposed Roof Over Existing Timber Deck - DA528/2007 - 4 First Ridge Road, Smiths Lake 5

MEETING CLOSURE..... 6

Minutes of the Development Control Unit Meeting of the Great Lakes Council held at the Council Chambers, Breese Parade, Forster on 29 October 2009 commencing at 2pm.

PRESENT

Clr J Stephens (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

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

69 RESOLUTION

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

ADOPTION OF MINUTES OF MEETING

70 RESOLUTION

That the Minutes of the Development Control Unit Meeting of 15 October 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.

CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

1 PES - Proposed Aerial, Retaining Wall and Gazebo - DA54/2010 - 6 Kiola Place, Forster

Index: DA54/2010 & PK5706
Author: Senior Building Surveyor - Bruce Arkle
DCU Meeting: 29 October 2009

RECOMMENDATION:

That development application 54/2010 for the use of a television antenna, installation of a swimming pool and construction of a retaining wall and cabana is 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 being carried out in accordance with the details set out in the Development Application unless otherwise amended by these conditions of consent.
2. The existing television antenna shall be permitted to remain but shall be reduced in height to a height not exceeding 3.6m, above the roof of the existing dwelling, once the existing analogue repeating stations have been upgraded to achieve a digital signal.
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) Commencement of works.
 - b) Footings.
 - c) Steel reinforcement.
 - d) Framework including floor, wall and roof framing prior to fixing of internal lining.
 - e) Stormwater drains.
 - f) 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. Submission of a Damage Bond Application Form and payment of a bond in the amount of \$1,110.00 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.

A final inspection will be carried out by Council's responsible officer and the bond (minus the administration fee) will be considered for refund:

1. Once all works, including landscaping, driveway construction, turfing, etc, have been completed; AND
2. Following issue of an Occupation Certificate by the Principal Certifying Authority for the development; or
3. Upon application for the release of the subdivision.

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

- \$110.00 for developments up to the value of \$400,000.

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. 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.
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. 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.

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 additions to the building are not to be occupied until fully completed in accordance with the approved plans and conditions of development consent.

13. 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).
14. 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:

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

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:

16. The use of the premises and the operation of all plant and equipment shall not give rise to any offensive noise as defined in the Protection of Environment Operations Act.

The following conditions have been imposed to ensure compliance with the Swimming Pools Act 1992 and to ensure the adequacy of the pool and it maintains reasonable levels of public safety and amenity:

17. The swimming pool is to be fenced in accordance with the Swimming Pool Act 1992. Such fence is to be erected prior to the pool being filled.
18. Temporary fencing is to be provided during construction of the swimming pool.
19. Backwash of the filter and other waste water being discharged to MidCoast Water's sewer in an approved manner.
20. Forty-eight hours notice in writing being submitted to the Principal Certifying Authority for a final inspection of the completed pool, and in this regard, the pool is NOT to be filled with water until the pool has been completed and consent for filling granted by an accredited certifier.
21. The motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system being sound insulated and/or isolated so as not to create an offensive noise to the occupants of the adjoining premises.
22. A warning sign is to be erected in a prominent position in the immediate vicinity of the swimming pool. The sign must be erected in accordance with the document entitled "Policy Statement No 9.4.1: Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio-Pulmonary Resuscitation" published by the Australian Resuscitation Council.

23 The spa/pool installation shall comply with the Building Code of Australia, NSW 1.2.2.

Prior to the use of the spa/pool, the principal contractor shall submit certification to Council or the principal certifying authority, certifying that the spa/pool installation complies with Australian Standard 1926.3-2003-Swimming Pool Safety "Water Reticulation Systems".

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:

24. Stormwater shall be discharged to the existing stormwater drainage system.

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

25. 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.

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

27. 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.

71 RESOLUTION

That the above recommendation be adopted.

2 PES - Proposed Roof Over Existing Timber Deck - DA528/2007 - 4 First Ridge Road, Smiths Lake

Index: DA528/2007 & PK 11789

Author: Senior Building Surveyor - Bruce Arkle

DCU Meeting: 29 October 2009

Manager Building Assessments tabled a submission from Mr T Huett (objector) dated 27 October 2009.

RECOMMENDATION:

That the application to modify development consent No. 528/2007 by deleting condition No 11 from the consent is approved subject to the following:-

Amending Condition 1 to read:

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.

Amending Condition 11 to read:

11. A privacy screen shall be provided to the south western portion of the deck in the following manner. The existing balustrade, attached to the south western projection of the existing deck, shall be completely enclosed or made solid by the insertion of villaboard or other suitable material between the handrail and bottom rail of the balustrade.

72 RESOLUTION

That the above recommendation be adopted.

MEETING CLOSURE

The meeting closed at 2.05pm.

CHAIRPERSON