



MINUTES OF THE DEVELOPMENT CONTROL UNIT MEETING

HELD AT COUNCIL CHAMBERS, BREESE PARADE, FORSTER

ON THURSDAY, 3 SEPTEMBER 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 3 September 2009 commencing at 2pm.

PRESENT

Clr J McWilliams (Chairperson), Director Engineering Services - Ron Hartley, A/Manager Development Assessments - David Pirie, Manager Building Assessments - Gary Mead.

IN ATTENDANCE

Admin Officer - Yvette Ellis (Minute Taker).

APOLOGIES

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

33 RESOLUTION

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

ADOPTION OF MINUTES OF MEETING

34 RESOLUTION

That the Minutes of the Development Control Unit Meeting of 27 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.

CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

1 PES - Two Storey Dwelling & Garage - Lot 534 DP 9928, 42 Point Circuit, North Arm Cove

Index: DA351/2009 & PK13801

Author: District Building Surveyor - Nick Green

DCU Meeting: 3 September 2009

RECOMMENDATION:

It is recommended that DA351/2009 be approved subject to the following conditions.

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 proposed building is to be moved to a position that is a minimum of 25m from the Mean High Water Mark that is identified on the Development Application plans. All water tanks are to be located in a position that is north of the most rearward projection of the building to avoid adverse visual impacts upon adjoining properties and the water front. The water tanks are to be sited in positions that do not require the removal of any trees from the site and do not adversely affect the root zones of any trees on the site. An amended site plan is to be submitted and approved by Council prior to the issue of a Construction certificate.

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:

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) Pier holes before they are filled with concrete.
 - c) Footings.
 - d) Steel reinforcement.
 - e) Steel columns/beams.
 - f) Framework including floor, wall and roof framing prior to fixing of internal lining.
 - g) Stormwater drains.
 - h) When all plumbing has been installed prior to covering in.
 - i) When drainage lines are laid in position and prior to covering in.
 - j) Wet area flashing prior to covering in.
 - k) Final.

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. Development must be completed in accordance with Basix Certificate No 228570S unless otherwise amended prior to the issue of a final Occupation Certificate.
6. 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).
7. 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. 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 or release of subdivision is lodged.

A fee of \$110.00 will be deducted from the bond to cover administration costs.

8. Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the principal certifying authority that they have complied with the applicable requirements of Part 6.
9. Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the principal certifying authority prior to the issue of a construction certificate. The plans shall detail:
 - a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
 - b) Footings of the proposed structure.
 - c) Structural steel beams/columns.

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

- i) The durability class (and/or chemical treatment grade) of all piles used within the footing system; and
 - ii) That the driven piles have achieved the required bearing capacity.
10. 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.
11. An approval to operate the on-site sewage management system must be obtained from Great Lakes Council prior to an Occupation Certificate being issued.
12. The works are to be inspected during construction by Great Lakes Council to verify compliance with this consent and the Australian Standards. An inspection fee in accordance with Council's Fees and Charges Policy (currently \$192) is to be paid to Council prior to the issue of a Construction Certificate in cases where Council is not the Certifying Authority. Inspections are to be carried out at not less than the following stages prior to proceeding to the subsequent stages of construction:

(a) Arrange inspections with Council's Building District Surveyor by calling (02) 6591 7291 when:

- all plumbing has been installed prior to covering in;
- internal drainage lines are laid in position and prior to covering in;
- external drainage lines are laid in position and prior to covering in.

(b) Arrange inspection with Council's Environmental Health Officer by calling (02) 6591 7375 when installation of the on-site sewage management facility and associated disposal areas are complete.

13. Prior to the commencement of work, toilet facilities shall be provided within the site boundaries at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet shall be connected to the sewer.

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

14. The development is not to be used or occupied until it is completed in accordance with the approved plans and conditions of development consent.

15. 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).

16. Lodgement of a Driveway Levels Application form, along with the required fees and documentation as specified on the application form, prior to the issue of a Construction Certificate for the development.

Driveway levels will not be supplied by Council's Transport Assets Section until the relevant fee/s and all required documentation is provided.

All driveway construction works must be completed in accordance with the Driveway levels and standards issued by Council's Transport Assets Section and be completed at the developer's expense by a qualified/licensed contractor.

Upon completion of the driveway construction, the applicant must obtain a Certificate of Compliance stating that the driveway has been constructed to comply with Council's requirements from Council's Transport Assets Section and provided to the Certifying Authority prior to an Occupation Certificate being issued and the Damage Bond being refunded.

It is to be noted that any works undertaken without Council's approval or provision of the above documentation will be subject to the relevant penalties applied by way of infringement notice for works undertaken without development consent.

17. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

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

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

18. Buildings to be set out by a Registered Surveyor to ensure compliance with this consent, and the approved plan/s, and a copy of plan to be supplied to the principal certifying authority prior to the pouring of any concrete slabs / placement of flooring materials. The ridge level of the building is to be limited to 17.154m Australian Height Datum and this is to be verified by a registered surveyor prior to the issue of an occupation certificate.

Asset Protection Zones

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

19. At the commencement of building works and in perpetuity the entire property shall be managed as art inner protection area (IPA) as outlined within section 4.1.3 and Appendix S of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
20. 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 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.

21. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2005'.
 - The water source shall be made available or located within the inner protection area (WA) and away from the structure,
 - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
 - A 66mm metal Storz outlet with a gate or ball valve shall be provided.
 - In recognition that no reticulated water supply exists, a 10000 litre water supply shall be provided for fire fighting purposes.
 - The water tank if located above ground shall be of a non-combustible material.
 - 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.
 - Art 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of Identification by brigade personnel and other users of the SWS. In this regard:
 - a) Markers must be fixed in a suitable location so as to be highly visible; and
 - b) Markers should be positioned adjacent to the most appropriate access for the static water supply.
 - Reticulated or bottled gas is to be installed and maintained In accordance with Australian Standard AS/NZS 1596:2002: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.

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.

22. 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.

23. New construction shall comply with Australian Standard A53959-1999 'Construction of buildings in bush fire-prone areas' Level 2.
24. 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: Jarrah, Balau (Selangan), Tallowwood, Forest Red Gum, Yellow Stringybark, Blackbutt, Kwila (Merbau), Red Iron Bark, Red River Gum, Silver Top Ash, Spotted Gum and Turpentine.
25. All class 10 structures as defined per the 'Building Code of Australia' 2006 attached to or within 10 metres of the habitable building shall comply with Australian Standard AS3959-1 999 'Construction of buildings in bush fire-prone areas' Level 2.
26. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
27. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Materials used shall have a Flammability index of no greater than 5 when tested in accordance with Australian Standard AS1 530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.
28. External doors are to be sealed with draft excluders or weather strips to prevent the entry of embers.
29. No brushwood fencing shall be used.
30. Vents and weepholes shall be screened with corrosive resistant steel mesh with an aperture not greater than 1.8mm.
31. The sub-floor shall be enclosed with non-combustible material to prevent the entry of embers.
32. Structure and shade materials in the inner protection area shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1 530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.
33. Polycarbonate roof sheeting is to have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.

Landscaping

34. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. In this regard the following landscaping principles are to be incorporated into the development:
 - Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
 - Grassed areas/mowed lawns or ground cover plantings being provided in close proximity to the building;
 - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;

- Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
 - Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
 - When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
 - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - IJSG smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
 - Avoid planting of deciduous species that may increase fuel at surface) ground level (i.e. leaf lifter);
 - Avoid climbing species to walls and pergolas;
 - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
 - Use of low flammability vegetation species.
35. **Prior to the issuing of the Construction Certificate**, the proposed driveway shall be revised and amended so as to be located in a manner that minimises the loss of remnant native trees and is generally within the footprint of the informal driveway that is already established on the site. The driveway is to be limited so that it extends no further towards the rear of the property than the garage opening of the dwelling. The design proposed on dwg A2 of 11 of Montgomery Homes, entitled "site plan" and dated 17/12/2008 shows a long linear driveway alignment and which appears to be aligned with a significant loss and modification of trees that might otherwise be retained if an alternate location of the driveway was provided. The revised driveway shall demonstrate appropriate grade, width and other engineering specifications to the satisfaction of Great Lakes Council.
36. **Prior to the issuing of the Construction Certificate** and the commencement of any construction works, the registered proprietor of the land shall engage a qualified Level 5 arborist to prepare a tree management plan, which shall be submitted to Council's Senior Ecologist and Tree Management Officer for approval. For the purpose of the Tree Management Plan, trees are as defined by Clause 10 of Great Lakes LEP 1996. The plan shall clearly and at an appropriate scale:
- Prepare and submit a plan that clearly shows the required excavation of the site, building footprint, required water tanks, driveway and trees to be removed and trees to be retained, such that loss of trees is strictly minimised;
 - Identify and specify all trees that are to be retained and all trees that are to be removed for the construction of the dwelling, the driveway and the APZ, including the marking of such trees in the field through the use of spray-paint. Trees are to be specifically identified to species level and trunk diameter at breast height over bark. In this regard, the Tree Management Plan shall seek to minimise the loss of trees from this Lot and seek to preferentially retain koala food tree species. Trees to be removed shall be preferentially directed to those with limited safe useful life expectancy;
 - Incorporate the protection of the majority or all the safe trees within the road reserve of Point Circuit and on adjoining land, free from harm or injury;
 - Detail the nature of the protective measures to be deployed on the land to protect all trees that are to be retained during site works and clearly specify those techniques to be employed on the land to adequately and effectively protect such trees from direct and indirect harm during construction. This may require the erection and maintenance of temporary fencing or other methods;
 - Include a statement outlining the means with which trees to be retained are protected from indirect and ongoing harm caused by any altered exposure, wind-shear or root zone damage and how such risks are to be minimised;
 - Identify any hollow-bearing trees on the subject land that require removal;

- Detail the type and nature of any lopping required to ensure the safe and useful retention of the any trees that are to be retained on the land during and after construction; and
- Assess and report on the safe and useful life expectancy of trees to be retained and identify any maintenance and management issues associated with such.

In this manner, the required Tree Management Plan shall demonstrate the safe, useful and reasonable retention of appropriate trees across the subject land within the undeveloped portions of the Lot.

37. Stockpiles of materials and equipment for the construction of this dwelling shall not cause the removal or disturbance of any tree or native vegetation from the land and shall be restricted to disturbed or cleared portions of the land.
38. No noxious weeds or weeds of national significance, or plants regarded as environmental weeds, shall be introduced to the land for landscaping or any other purpose.
39. Should any aboriginal site or relic or material considered likely to be an aboriginal site or relic be disturbed or uncovered during the construction of this development, all work shall cease and the Department of Environment and Climate Change shall be consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974. With regards to aboriginal sites or relics, all directions of the Department of Environment and Climate Change pertaining to such shall be duly complied with as part of this consent.
40. All required actions specified in the approved Tree Management Plan shall be promptly and effectively carried out on the land by the registered proprietor, or their agents.
41. Only trees that are approved to be removed shall be cleared from the land. All other trees on the land shall be protected and managed in accordance with Great Lakes Council's Tree Preservation Order (Clause 10 of GLLEP 1996).
42. There shall be no direct or indirect harm, modification, injury or disturbance to any mangrove trees on this land for any purpose and such trees shall be actively protected and maintained in their natural state on the land.
43. The clearing works shall be conducted sensitively. Trees marked for retention shall be protected from direct or indirect impacts as well as significant machinery activity in their root zone. Tree removal shall be conducted by dismantling or selective directional felling only and trees shall be felled away from areas of natural open forest and those trees to be retained on the land.
44. Trees and shrubs removed from the study area shall be used in site landscaping either in log form (as edging or cover for terrestrial fauna) or as mulch. No felled vegetation shall be burnt.
45. Machinery operators shall inspect the crown, foliage and trunks of trees that require removal immediately prior to any felling to investigate the presence of koalas. If a koala is detected, the tree and no other surrounding trees shall be cleared until the animal has dispersed of its own free will from the area.
46. There shall be no modification or disturbance of any trees or native vegetation outside the bounds of the subject land for any purpose.
47. All weeds of national significance and noxious weeds shall be controlled, suppressed and eradicated from the land. These species shall be controlled using appropriate techniques and in a manner that does not harm or affect native flora species.

48. All fencing of the site is to be compliant with Council's Exempt and Complying Development Policy and if the fence is a metal panel or colorbond type fence Koala climbing poles are to be installed on either side of the fence at 10m interval to allow the movement of Koalas over the fence. A Koala pole is to be a minimum of 100mm in diameter, timber and the same height as the fence

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:

49. Building materials, sand or waste materials shall not be placed on the footway or road reserve at any time.
50. Premises to be used as a single residential dwelling only at all times and shall not be used or adapted for separate use or occupation as multiple dwellings without the prior consent of Council.
51. There is to be no construction and/or demolition works, including deliveries on or to the site prior to 7.00 am or after 6.00 pm Monday to Friday, prior to 8.00 am and after 6.00 pm Saturday, and prior to 9.00 am and after 4.00 pm Sunday.
52. 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 applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

53. Stormwater shall be discharged on-site so as not to affect any structures or cause a nuisance to the adjoining property.
54. External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building or cause a nuisance.

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:

55. Timber framing members shall comply with the relevant provisions of AS1684 - Residential Timber Framed Construction Code.
56. Bracing and tie-down to the proposed building is to be carried out in accordance with AS1684 (Residential Timber Framed Construction Code) for a wind speed of N3. Details are to be submitted prior to the issue of a construction certificate.
57. The wet areas in the building shall be impervious to water as required by P2.4.1 of the Building Code of Australia (Housing Provisions). On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the materials used are suitable for the situation, and that the application and/or installation has been carried out in accordance with Australian Standard AS 3740-1994 : Waterproofing of Wet Areas in Residential Buildings.
58. The stair and/or balustrade is to be constructed in accordance with the Building Code of Australia. Wire balustrade construction shall be in accordance with Table 3.9.2.1 BCA 2005. Wire spacings in this table are variable (60mm - 100mm) depending on strand thickness and spacing of supporting posts or rails.

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

59. Install in the building an automatic fire detection and alarm system, complying with the Building Code of Australia, being connected to the mains electrical power supply and having a standby power supply.
60. The proposed building or addition is to be protected from the infestation of termites in accordance with the Building Code of Australia and AS3660. Details of the method of protection are to be specified prior to the issue of a construction certificate. Upon completion of the building work, a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
 - a) the method of protection;
 - b) the date of installation of the system;
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.
61. The surcharge gully shall be a minimum of 150mm below any floor level and a minimum of 150mm above adjacent finished ground level.
62. An adequate stored water supply is to be provided on-site and connected to the dwelling prior to occupation.
63. The door to a fully enclosed sanitary compartment must –
 - a) open outwards; or
 - b) slide; or
 - c) be readily removable from the outside of the compartment;

unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.

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

64. Erosion and sediment control shall be in accordance with the approved Erosion and Sediment Control Plan(s).
65. An Erosion and Sediment Control Plan is to be submitted to and approved by the principal certifying authority prior to the issue of a construction certificate. The Plan will include scaled drawings and detailed specifications which can be readily understood and applied on-site by supervisory staff. Items to be shown on the Plan shall include:
 - a) Locality of the site, a north point and scale;
 - b) Existing contours of the site including catchment area boundaries and indications of direction of fall;
 - c) Location of and basic description of existing vegetation;
 - d) Diversion of uncontaminated upslope runoff around the disturbed site(s);
 - e) Location of significant natural areas requiring special planning or management including water bodies, flood plans, seasonally wet areas, areas prone to ponding/water logging, unstable slopes, etc;
 - f) Nature and extent of earthworks, including cut and fill and roadworks;
 - g) Location of all soil and material stockpiles;
 - h) Location of site access, proposed roads and other impervious areas;

- i) Existing and proposed drainage patterns;
 - j) Location and type of proposed erosion and sediment control measures;
 - k) Site rehabilitation proposals, including final contours.
66. Vehicular access shall be controlled so as to prevent the tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.
67. 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.
68. A suitable dispersion system is to be designed for the stormwater tank overflow by an appropriately qualified consultant and approved by the principle certifying authority prior to the issue of a construction certificate.

35 RESOLUTION

That the above recommendation be adopted.

2 PES - s96 Modification of Consent - Two Lot Subdivision - Lot 22 DP 738648 Nugra Lane South, The Branch

Index: DA118/2009 & PK24509
Author: Development Assessment Planner - David Koppers
DCU Meeting: 3 September 2009

RECOMMENDATION:

It is recommended that the s96 Modification of Consent for DA 118/2009 which proposes to subdivide Lot 22 DP 738648 – Nugra Lane South, The Branch be approved subject to the following:

- **Delete Condition 3**
- **Delete Condition 5**

36 RESOLUTION

That the above recommendation be adopted.

3 PES - Major Project - Mixed Use Commercial & Retail Building - Lot 1 FP 301489, 92-94 Manning Street, Tuncurry

Index: MP08-42 & PK 8126
Author: Senior Development Assessment Planner - David Pirie
DCU Meeting: 3 September 2009

RECOMMENDATION:

- A. That the Department of Planning be advised of the further comments in relation to the carparking level of the building:
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- i) A 10m x 3.5m temporary parking space should be provided so that an 8.8m delivery truck can be fully located within the traffic aisle of the proposed car parking area. The truck parking area should be designed so that access to this car parking space is in a forward direction only and exiting is by reversing from the car parking space onto Manning Lane. This will result with the cab section of the truck located under the building. The following details are also to be submitted in this regard:
 - Any adjustments to the building to provide sufficient head height for the truck cab section to be located under the building.
 - A suitable means for warning the driver of the truck when the limit of forward travel is ended (e.g. a series of striker bars etc).
 - Recommendations by a structural engineer if reinforcement of the building at the car park entrance is required to protect the building.
- ii) The car parking space for a person with a disability should be amended so that it has a minimum 3.5 metres width.
- iii) The north-east area adjacent to the parking space for a person with a disability standard be indented by a minimum 1.5m so that there will be area available for the driver of the vehicle using this parking space to reverse into the indented area and then proceed out in a forward direction.
- iv) Convex traffic mirrors should be suitably located for the driver reversing the truck onto Manning Lane (mirror sighted for other vehicle and pedestrian movements).
- v) Location of suitable barriers to help protect pedestrians at the entrances to the foyer area from the car parking area from reversing vehicles.
- vi) The garbage room should be re-sized to accommodate 18 mobile garbage bins.
- vii) The proposed transformer on the south-west corner of the development site should be relocated so that it is outside the sight triangle as defined in section 3.2.4 of AS 2890.1 Off-street car parking code. Note that the transformer location shall be outside this triangle for the existing and future Manning Lane road carriageway.
- viii) A bioretention system should be provided in the external car parking area in lieu of the car parking space on the northern side. The bioretention system should be detailed with appropriate plantings and be connected up stream of the proposed two modular tank infiltration systems in order to treat stormwater before infiltration. As a guide given the modular tanks have been modelled as bioretention treatment, a bioretention size approximately equivalent to the area of the modular tanks (approximately. 13 sq. m) will achieve the DECCW load reduction water quality requirement.

B. Should the Department of Planning approve the application the following conditions of consent are recommended:

1. 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.
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. Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the principal certifying authority prior to the issue of a construction certificate. The plans shall detail:
 - a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
 - b) Footings of the proposed structure.
 - c) Structural steel beams/columns.

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

- i) The durability class (and/or chemical treatment grade) of all piles used within the footing system; and
 - ii) That the driven piles have achieved the required bearing capacity.
5. 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.

6. 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.
7. All vertical plumbing, other than rain water heads and downpipes, to be concealed within the building.
8. 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.
9. Noise associated with all mechanical plant and equipment, shall not be a source of "offensive noise" at the nearest affected receiver 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.
10. All fill used on the allotment must be clean, natural inert material.
11. 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.
12. The application for a Construction Certificate is to include details indicating the construction of a garbage storage area on-site. Specifically the garbage storage area is to contain the following design elements:
- a) Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest;
 - b) Provided with a hose tape connected to the water supply;
 - c) Paved with impervious material;
 - d) Graded and drained to the sewer system; and
 - e) Such plans must be approved as part of the Construction Certificate.
13. 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.
14. 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.
15. 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.

16. 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.

17. 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 other than the awning over the Manning Street road reserve.
18. Building materials, sand or waste materials shall not be placed on the footway or road reserve at any time.
19. Buildings to be set out by a Registered Surveyor to ensure compliance with this consent, and the approved plan/s, and a copy of plan to be supplied to the principal certifying authority prior to the pouring of any concrete slabs / placement of flooring materials.
20. 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, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.

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.

21. The proponent shall prepare a Traffic Management Plan which must include an assessment of the impact of the one way restriction south along Manning Lane, between Lake and South Streets on the surrounding road network, and make a submission to the RTA and to Council's Traffic Advisory Committee for consideration.

Final recommendations and requirements imposed by the RTA and Council's Traffic Advisory Committee are to be undertaken at the applicant's expense.

22. Separate development consent is required for the construction and fit-out of any food premises, beauty salon or hairdressing salon.
23. Prior to the commencement of any earthworks further investigations shall be undertaken in accordance with the Environment Protection Authority's 'Guidelines for Consultants Reporting on Contaminated Sites', 1997, to ensure that the site is free of fibro cement fragments containing asbestos. Should asbestos be found, a site remediation plan should be prepared and undertaken prior to the commencement of any earthworks or construction activities.
24. The proponent shall prepare a traffic management plan prior to the occupation of the building so that the users of the car park will be aware of the truck delivery times.
25. The area designated for the truck to stand while deliveries are undertaken shall be line marked on the pavement of the car park. Details in accordance with approved car park plan shall be submitted to the Certifying Authority prior to the issue of an Occupation Certificate.
26. A sign shall be erected at the future property boundary in Manning Lane advising that all truck deliveries are to be undertaken on the site within the designated marked area within the car park.
27. Erosion and sediment control measures shall be implemented on the land to the satisfaction of Council in accordance with the specifications and standards contained in an approved Erosion and Sediment Control Plan (ESCP).

The ESCP shall be prepared in accordance with Council's ESC Policy and Landcom's "Soils and Construction Volume 1 Manual, 4th Edition, March 2004 Managing Urban Stormwater" (Blue Book) and approved by Council prior to the issue of a construction certificate.

Implementation of the ESCP shall be supervised by a person with appropriate training/experience in erosion and sediment control.

The Plan will include scaled drawings and detailed specifications which can be readily understood and applied on-site by supervisory staff. Items to be shown on the Plan shall include:

- a) Locality of the site, a north point and scale.
- b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- c) Location of and basic description of existing vegetation.
- d) Diversion of uncontaminated upslope runoff around the disturbed site.
- e) Location of significant natural areas requiring special planning or management including water bodies, flood plans, seasonally wet areas, areas prone to ponding/water logging, unstable slopes, etc.
- f) Nature and extent of earthworks, including cut and fill and roadworks.
- g) Location of all soil and material stockpiles.
- h) Location of site access, proposed roads and other impervious areas.
- i) Existing and proposed drainage patterns.
- j) Location and type of proposed erosion and sediment control measures.
- k) Site rehabilitation proposals, including final contours.

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.

28. Vehicular access during earthworks/construction shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.

Vehicular access paths shall be stabilised with compacted gravel.

29. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works. The investigations are to include gathering relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

Any public utility that could be damaged with the construction works are to be identified and clearly marked on the site. The public utility is to be suitably protected when construction works are carried out adjacent to that service.

30. The applicant shall meet the full cost for any utility services (e.g. Telstra, Optus, Country Energy or Mid Coast Water etc) to adjust/repair/relocate their services as required by the respective utility service provider.

The proponent must make the necessary arrangements with the service authority.

31. A Certificate of Compliance being received from MidCoast Water, 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 an occupation certificate, the applicant must, at no cost to Council, dedicate a minimum 2.064 metres wide strip of land along the Manning Lane frontage for road widening purposes.
33. Submission with the application for a construction certificate a detailed report from a suitably experienced and qualified Engineer certifying 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 probable maximum flood level including the current projection for sea level rise to the year 2060.
34. Any parts of the building that are located below the 1% flood level including the current projection for sea level rise to the year 2060, are to be constructed with flood compatible materials. The following minimum points are to be undertaken when the development is being constructed:-
 - a) Construction materials:
 - The construction shall incorporate an easy method of removal/cleaning of the silts can be trapped in the well cavities.
 - Timbers and timber products (unless specifically designed for being immersed in water) are not to be located below the flood level.
 - Materials that are porous should only be used where good cross ventilation is available.
 - b) All electrical installations shall comply with the requirements of Country Energy. In this regard, the applicant shall submit to Council documentary evidence from a licensed electrician indicating that the proposed electrical installations comply with this Authority's requirements for developments in flood affected areas prior to the issue of a construction certificate.
35. Prior to the issue of an occupation certificate the proponent's engineer shall detail the following:-
 - a) A management plan for the ground floor area that includes construction materials for the ground floor.
 - b) A flood: evacuation plan for the site. The evacuation plan shall be placed in an appropriate location for ongoing information of the people within the development.
36. Prior to the issue of an construction certificate the proponent's engineer shall detail how the lift will operate considering the adverse affects from the 1% flood level with sea level rise to the year 2060.
37. The street awnings are to be designed and certified by a professional engineer. The awning shall be designed and constructed with: -
 - a) The minimum underside clearance:-
 - to the footpath - 3.0 metres; and
 - between the lowest part of the fascia or outer beam of an awning and the footpath - 2600mm;
 - b) An indent to allow for the further growth of the required street trees.
 - c) A minimum of 600mm clearance from the street kerb face.
 - d) Beams and/or stays (to support the awning) attached to the building. All structural metal fasteners including nuts, bolts should be stainless steel.
 - e) Roof water drained by an approved method to the internal property drainage system.
 - f) Sufficient clearance of any power lines and possible "arcing" - Contact Country Energy for guidelines.
 - g) A qualified structural engineer is to inspect and certify that the awning is structurally adequate and in good repair, at a minimum of 5 year periods.

38. Prior to any construction works, Council is to be indemnified (and continuously indemnified) against any public liability to the amount not less than ten million dollars (\$10,000,000) in relation to the awning. The amount of indemnity shall be reviewed annually and adjusted to current industry standards and Council satisfaction. Note that proof of this public liability coverage be shown on demand.
39. All electricity and telecommunication cables/wires to service the development site across the road carriageway and/or the Council nature reserve (i.e. footpath area) are to be located underground in suitable ducting, to the satisfaction of the relevant service utility authority/company.

Note for any road carriageway openings, and prior to any work within the Council road reserve, a road opening permit must be obtained from Council (payment charges shall be in accordance with the current Great Lakes Council Fees and Charges publication)

Note that pending the degree of the work in the Council road reserve that the following maybe required in conjunction with the undergrounding works:-

- a) Road Opening Permit (Council prefers underboring);
 - b) Sediment/erosion control plan;
 - c) Traffic Control Plan for work site;
 - d) Road closure application and (if applicable) advertisement.
40. The proponent shall meet the full cost of:-
- a) Placing underground the low voltage overhead power lines and telecommunication cables located along/adjacent to the site frontage; and
 - b) Provision and laying underground adequate ducting for any high voltage overhead wires located along/adjacent to the site (for the future undergrounding of these wires).

The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated and the ducts for the high voltage wires/cables constructed underground. All wires/cables (other than the high voltage) must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of any occupation certificate for the development.

The undergrounding shall extend to the nearest power pole outside of the development site frontage being the power pole near/adjacent to the common boundary at 90/96 Manning Street to the power pole near to the common boundary of 86/88 Manning Street.

41. The applicant shall submit to the Principal Certifying Authority and Council (if Council is not the certifying authority) a copy of a letter from the relevant service utility authorities (e.g. Country Energy, Telstra), stating that:-
- The undergrounding of the wires and cables as described in the above condition have been carried out to their requirements and satisfaction; and
 - The cables/wires to service the development site from the street are located underground in suitable ducting, to the satisfaction of the relevant service utility.
42. Detailed design plans being submitted with an Application for a "Public Engineering Works Permit" (PEWP).

Detailed design plans are to be approved by the Director of Engineering prior to the commencement of any engineering works or approval of the (building) construction certificate. The licensed contractor is to have all engineering works inspected as per Council's holding points. All work is to be at the developer's expense and must comply with Council's Engineering guidelines, specifications and standards.

The work is to be completed and approved prior to the issue of an Occupation Certificate. Included in the engineering works is to be the following:

- a) Provision of traffic direction signage in Manning Lane and at the intersections of Manning Lane with Likely and South Streets.
- b) Formation of the nature strip behind the existing kerb in Manning Lane and topdress and grass the remainder of the footway on the frontage to the development.
- c) Reconstruction of the nature strip (footpath - from the kerb to the boundary) along the frontage to the development in Manning Street with a full width brick paving. The finished surface level of the brick paving shall be at the same longitudinal levels and a maximum 2.5% crossfall. The works shall include relocation and lowering/adjusting any associated utility services.

The footpath paving shall be constructed with a red brick herringbone pattern and a cream header course laid on a 20 Mpa - 80 mm thick mass concrete base with a 25 mm filler/bedding sand.

- d) Pipelines to drain the development site and are located across the Council footpath area shall be constructed with a hot dipped galvanised rectangular hollow section and connected to the kerb and gutter with a suitable rigid kerb adopter.
- e) Two (2) street trees shall be planted in the Council nature strip in Manning Street. The tree species shall be Rutaceae *Euodia elleryana* Pink Euodia. These trees are to:-
 - have tree grates and vandal resistant tree guards; and
 - have a minimum plant pot size of 250mm; and
 - be maintained and cared for over a period of 12 months.

Details of the location of the street trees are to be approved by Council's Parks and Recreation Section and:-

- Kept clear of underground public utility services (utility services are to be shown on the detailed design plan).
 - Located not to impeded/reduce sight distance of drivers of vehicles entering/exiting the site.
 - Constructed with a suitable root barrier where the trees are to be located adjacent to any kerb and gutter and any stormwater infiltration/detention area within the site (and adjacent sites).
- f) The provision of one (1) public street garbage bin located on Manning Street fronting the building.

The public garbage bin shall be in a design and installed in accordance with Council street bin policy.

43. The applicant shall submit a work site traffic control plan (TCP) prepared in accordance with the RTA "Traffic Control at Work Sites Manual" to the Certifying Authority. The TCP shall be submitted prior to the commencement of any works on:

- a) The site
- b) Within Council's road reserve for the footpath works in Manning Street.

The TCP shall be applied to and implemented during all phases of construction works within the development site and works carried out on Council's road reserve. The traffic control plan/s (TCP/s) shall include and provide for the following items related to the construction works (but are not necessarily limited to):

- i) Deliveries (e.g. site sheds, cranes, material deliveries etc);
- ii) Site pick ups (e.g. spoil from excavation, removal of site sheds, equipment, materials etc);
- iii) Pedestrian movements;
- iv) Time and date of operations;
- v) Proposed construction zones;
- vi) Truck traffic routes (until informed otherwise extra large trucks that will require overmass permits as issued by the RTA are not permitted to cross the Forster Tuncurry Bridge i.e. trucks with 50 tonne weight or greater).

The TCP/s must provide for all pedestrian, cyclists and vehicular traffic movements etc. adjacent to the site.

Where the works on the development site require temporary and/or part public road closure/s (including footpath/s), the approval of Great Lakes Council must be obtained.

A construction zone, temporary road closure or truck traffic route shall not block or adversely affect a major public event and/or the public during the main tourist seasons (e.g. no traffic hindrance is to occur in the street/road/footpath system). The major events and holidays (but not necessarily limited to) are as follows:

- Easter school holidays
- Anzac Day
- Christmas school holidays
- October long weekend.
- Other public or private events that occur.

The applicant shall implement and adhere to all requirements stipulated in the approved traffic control plan/s (TCP/s).

Suitably accredited person/s as authorised by the Road and Traffic Authority (RTA) shall:

- a) Show on the approved plan the relevant RTA certificate number and expiry date.
- b) Approve the TCP (minimum qualification being to amend and audit a TCP)
- c) Determine and compile the TCP/s
- d) Personally inspect the installed TCP/s arrangements to ensure compliance with the TCP/s.
- e) Audit, review, modify and approve such TCP/s.
- f) Implement the TCP/s.
- g) Install traffic and pedestrian control signs as required by the TCP/s.
- h) Operate any stop/slow bat etc. as required by the TCP/s.

A copy of the approved Traffic Control Plan and approved letter must be kept on the site at all times during construction works.

44. Payment of the following fees, charges and/or bonds with the application for a Public Engineering Works Permit:

- a) A defects liability bond of 5% of all public engineering works associated with the development, as required by this approval, with a minimum of \$2,700. 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 may change prior to the release of the subdivision. The fees and maintenance period shall be determined from Council's current requirements at the time of acceptance of these works.
- b) Engineering supervision fees in accordance with Council's Schedule of Fees at the time of lodgement of plans.
45. The developer submitting a Driveway Application to 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, and the following:
- a) Driveways being constructed in concrete over the footpath with a construction joint provided at the boundary,
- b) Existing driveways and laybacks, which are not approved as being required for the development, are to be removed and the footpath and kerb reinstated.
- c) Footpath crossings shall be designed and constructed for the existing alignment until road widening in Manning Lane is undertaken. The temporary layback at kerb is to be located:
- 6.4 metres from the northern boundary;
 - 4.4 metres from the southern boundary; and
 - constructed with an overall length of 9.2 metres.
- d) The internal carpark at the future Manning Lane boundary line (boundary line after road dedication) shall be constructed 60 mm above the adjacent lip level of the existing kerb and gutter at each point opposite the lip. This level has been determined from the location of the vehicle layback that will be constructed in conjunction with the future Manning Lane road carriageway widening:-
- 2.4 metres from the northern boundary;
 - 4.4 metres from the southern boundary.
- e) For the alignment levels outside the location of the future layback, the alignment level shall be 110 mm above the adjacent lip level of the existing kerb and gutter (except for allowing a minimum 1 m transition from the end of the layback).
- f) Any landscaping works, fences or screens etc. adjacent to the exit driveway shall be generally a maximum 500mm high. The area that this is to apply to is within a line taken from the following points:-
- The first 2.5 metres within the front boundary.
 - Extending 2.0 metres either side of the driveway along the site frontage.
- This condition is to help drivers of vehicles exiting the site obtain a 2.0 metres sight distance of pedestrians along the footpath.
46. No fences other than open form fence (pool fence) or landscaping over 600 mm height shall be constructed within the first 3.2 metres from the final Manning Lane boundary.
47. The entrance levels of the proposed floor level/s of the foyer and shop shall be lowered/adjusted to match the existing concrete footpath level in Manning Street.

48. Prior to the issue of an occupation certificate the carparking and vehicular manoeuvring areas being:-

- sealed with concrete or equivalent; and
- constructed with a 100mm concrete kerb along any edges which may allow stormwater to discharge onto neighbouring properties; and
- fully line marked and sign posted.

All works shall be constructed to Council's satisfaction. Details including the temporary layback at kerb, the required levels along Manning Lane frontage are to be submitted with the application for a construction certificate.

49. Vibrating compaction rollers not being used during construction unless it can be demonstrated that there will be no impact upon adjoining or nearby properties.

50. Submission of a Damage Bond Application Form and payment of a bond in the amount of \$40,000, 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. 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.

The bond will be considered for refund by the Engineering Services Division when an Occupation Certificate is issued for the development. A following fee will be deducted from the bond to cover administration costs:-

\$2,000 - Rate of 0.05% (minimum \$200) of the value of developments exceeding \$400,000.

51. The bioretention system shall be designed consistent with WSUD Engineering Procedures - Stormwater, Melbourne Water 2005 and as a minimum shall include the following:

- (a) A minimum size of approximately 12 m² and a maximum surface storage depth of 0.3m.
- (b) The sides of the bioretention system shall be lined unless demonstrated otherwise to minimise the potential for infiltrated stormwater to bypass the filter and infiltrate directly into the higher permeability insitu sands;
- (c) The entire bioretention system shall be planted with Carex appressa and/or other native plant species that have research supported similar performance characteristics in the removal of nitrogen and tolerance of a range of moisture conditions, at a minimum density of 6 living plants/ m².
- (d) Design specifications supported by testing done by NATA for the proposed filter media to be used demonstrating that the media will achieve a minimum saturated hydraulic conductivity of 150mm/hr at 16, 15 cm drops using the McIntyre Jakobsen Drop Cone Test. Testing shall also be undertaken by NATA registered laboratory to confirm that the filter media has sufficient water holding capacity and is also suitable for supporting growth of the bioretention vegetation;
- (e) Engineering drawings of the bioretention systems that show their details and configurations.

Details demonstrating compliance with the above requirements shall be submitted to the certifying authority prior to the issue of the construction certificate. Certification that the bioretention system has been installed in accordance with the above requirements shall be provided to the certifying authority prior to the issue of any occupation certificate.

52. The stormwater drainage shall be constructed in accordance with the requirements for the bioretention system as detailed Condition 35 and the stormwater plan submitted with the development application: "Stormwater Management Plan for Development of Lot 1 DP 301489 Manning Street Tuncurry File No. 7410 dated 04/05/09 issue B" and the following requirements:

- a) Pipelines located across the Council footpath area shall be constructed with a hot dipped galvanised rectangular hollow section and connected to the kerb and gutter with a suitable rigid kerb adopter;
- b) Suitable clear outs for maintenance purposes shall be provided on each bend along the stormwater pipeline.

53. Prior to the release of the construction certificate the applicant shall submit details of hoardings to be erected along each site frontage of the development site. The hoarding detail is to be approved of by Council.

The hoardings are to be designed a suitably qualified engineer in accordance with the NSW Work Cover document "Overhead Protective Structures - Code of Practice 1995" and relevant Australian Standards.

Details to be submitted to Council are to include the following:-

- Site plan at 1:100 scale showing all footpath detail.
- Architectural plans, sections and elevations at 1:100 scale.
- The minimum clear width for a pedestrian passageway shall be 2m where the Overhead Protective Structure (overhead hoarding) is located along Manning Street.
- Construction details, structural drawings and details.
- Lighting plan so the area under the hoarding is kept lit between sunset and sunrise.
- Statement regarding the length of time that the hoarding will be installed on the site.

The application when submitted to Council must also contain the following:-

- Evidence of a Public Risk Insurance Policy for a minimum \$10 million that will extend for the duration of the hoarding is erected;
- Certification by an appropriately qualified person;
- Council's hoarding fees (if on a public place), as in accordance with Council's Fees and Charges;

The hoardings are to be erected prior to commencement of construction within the development site.

A hoarding, fence or awning is to be removed when it is no longer required for the purpose for which it was provided.

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-07	Great Lakes Wide	Headquarters Building	\$10,120,000	\$1 non res	@	\$0.001	=	\$10,120.00
FD04	Forster District	Major Roads Inner Zone	340	one way trips	@	\$481.60	=	\$163,744.00
FD09	Forster District	Tuncurry Parking	91	spaces	@	\$15,904.00	=	\$1,447,264.00
						Total		\$1,621,128.00

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.

37 RESOLUTION

That the above recommendation be adopted.

4 PES - Proposed Use of Relocated Building as a Games/Rumpus Room - 18 Briton Court Road, Stroud

Index: DA409/2009 & PK35208
Author: Assessment Officer - David Underwood
DCU Meeting: 3 September 2009

RECOMMENDATION:

That the development application No.409/2009 for the proposed use of the relocated building as a games room/rumpus be approved subject to conditions of consent as detailed 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.
2. The building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority subject to the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000) to verify compliance with this consent and the standards of construction detailed in the Building Code of Australia, at not less than the following stages prior to proceeding to the subsequent stages of construction:
 - a) Final.
3. Work on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Building Code of Australia, has been issued.

4. 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).
5. 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.
6. The development is not to be used or occupied until it is completed in accordance with the approved plans and conditions of development consent.
7. The finished floor level of the relocated building shall be 31m AHD and shall be verified by the submission of a Surveyor's Report to the principal certifying authority prior to the issue of an occupation certificate.
8. Landscaping of the site to be undertaken in accordance with approved landscape plan and be completed prior to the issue of an Occupation Certificate
9. Submission of a detailed report from a Structural Engineer certifying that the building/footing has been designed to be capable of withstanding all flooding conditions, including impact on standing water on foundations/forces of flowing water during a 1% flood/debris loading/ and buoyancy forces.

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:

10. The relocated building shall not be let, adapted or used for separate occupation or commercial purposes.

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:

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

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

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

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:

13. The stair and/or balustrade is to be constructed in accordance with the Building Code of Australia. Wire balustrade construction shall be in accordance with Table 3.9.2.1 BCA 2005. Wire spacings in this table are variable (60mm - 100mm) depending on strand thickness and spacing of supporting posts or rails.

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

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

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

16. 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.

38 RESOLUTION

That the above recommendation be adopted.

MEETING CLOSURE

The meeting closed at 2.15pm

CHAIRPERSON