



MINUTES OF THE DEVELOPMENT CONTROL UNIT MEETING

HELD AT COUNCIL CHAMBERS, BREESE PARADE, FORSTER

ON THURSDAY, 8 OCTOBER 2009

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Minutes of the Development Control Unit Meeting of the Great Lakes Council held at the Council Chambers, Breese Parade, Forster on 8 October 2009 commencing at 2pm.

PRESENT

Clr Len Roberts (Chairperson) as Mayor's delegate, Director Planning & Environmental Services - Glenn Handford, Director Engineering Services - Ron Hartley, Manager Development Assessments - Wayne Burgess, Manager Building Assessments - Gary Mead.

IN ATTENDANCE

Yvette Ellis (Minute Taker).

OBSERVER

Clr Mike Tuffy.

APOLOGIES

Clr Jan McWilliams - Mayor.

57 RESOLUTION

That the apology from Clr Jan McWilliams - Mayor, be accepted.

ADOPTION OF MINUTES OF MEETING

58 RESOLUTION

That the Minutes of the Development Control Unit meeting of 1 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.

PUBLIC ADDRESSES

4 PES - Addition of Cabana & Garden Shed (Use of) DA52/2010 - 77 Underwood Road, Forster

PUBLIC ADDRESS 1 - Mr Vic White

Mr Vic White (Applicant/Owner) addressed the committee in support of the application.

PUBLIC ADDRESS 2 - Mr Frank Barton

Mr Frank Barton (Adjoining Property Owner) addressed the committee in support of the application.

2 PES - Use of Storage Area - Bunnings Loading Dock - DA181/2009 - Stockland Shopping Centre, Forster

PUBLIC ADDRESS 3 - Mr Paul Holbrook

Mr Paul Holbrook (Store Manager, Bunnings) addressed the committee in support of the application and sought clarification in regard to Condition 8 contained in the report.

CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

4 PES - Addition of Cabana & Garden Shed (Use of) DA52/2010 - 77 Underwood Road, Forster

Index: DA52/2010 & PK7253
Author: Senior Building Surveyor - Bruce Arkle
DCU Meeting: 8 October 2009

RECOMMENDATION:

It is recommended that development application No 52/2010 for the use of a cabana and a garden shed is approved subject to the following conditions;

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:

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 applicant shall comply with any requirements of MidCoast Water in regard to both structures.

59 RESOLUTION

That that the above recommendation be adopted.

1 PES - Proposed Dwelling - DA68/2010 - 51 Admiralty Avenue, Tea Gardens

Index: DA68/2010 PK 23818

Author: District Building Surveyor – Nick Green

DCU Meeting: 8 October 2009

RECOMMENDATION:

It is recommended that Development Application No 68/2010 for the erection of a single storey dwelling at Lot 4 DP285432, No 51 Admiralty Avenue, Tea Gardens be approved subject to the following conditions including condition No 15 requiring a habitable floor level of RL 2.8m AHD.

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. A Certificate of Compliance being received from MidCoast Water prior to the issue of any Construction Certificate, stating that satisfactory arrangements have been made for the provision of water supply and sewerage to the development.

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) Pier holes before they are filled with concrete.
 - b) Steel reinforcement.
 - c) Framework including floor, wall and roof framing prior to fixing of internal lining.
 - d) Stormwater drains.
 - e) When drainage lines are laid in position and prior to covering in.
 - f) Wet area flashing prior to covering in.
 - g) 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 256672S 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).
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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. 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.
11. 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.
12. The development is not to be used or occupied until it is 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. 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 over the footpath, at right angles to the kerb and gutter.
 - b) Footpath crossings shall be a minimum of 3.1m wide and located a minimum of 1m from the side boundaries.
 - c) Driveways to meet Great Lakes Council standards issued prior to release of the Damage Bond.
15. The finished floor level of the dwelling shall be RL 2.80m AHD and shall be verified by the submission of a Surveyor's Report to the principal certifying authority prior to pouring of concrete.
16. 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.

17. 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 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:

18. Building materials, sand or waste materials shall not be placed on the footway or road reserve at any time.
19. 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.
20. 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.
21. Design details for the acceptance and the disposal of the stormwater drainage to and from the property being submitted with the application for a construction certificate and approved prior to issue of a construction certificate. (Note: No work is to be carried out on the public road until an application has been made and a construction certificate has been issued).

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:

22. Stormwater shall be discharged to the street gutter or any available storm water easement on the site. The pipeline shall be connected to the kerb and gutter with a precast rigid kerb

adaptor. The kerb adaptor shall be constructed flush with the kerb and have no sharp edges. Steel adaptors shall be hot dipped galvanised.

23. 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 Council's Erosion and Sediment Control Policy:

24. 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.
25. 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.
26. 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.

60 RESOLUTION

That the above recommendation be adopted.

3 PES - Proposed Amenities Block - DA 28/2010 - Lot 1 DP 248650, Boomerang Drive, Boomerang Beach

Index: DA28/2010 & PK8984

Author: Development Assessment Planner – Joanne Dunkerley

DCU Meeting: 8 October 2009

RECOMMENDATION:

That the application for an amenities block at Lot 1 DP 248650 and the adjoining road reserve 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 the plans numbered 3001 to 3004 issue C, prepared by Pacific Blue Design and dated 6 May 2009, 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. Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the certifying authority **prior to the issue of a construction certificate**. The plans shall detail:
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- 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.
5. A designated disabled car parking space complying with AS1428.1, with provision directly adjacent to the space for hard surface wheelchair access to the amenities block shall be provided in the existing car park. Should the space be provided where kerb and gutter does exist, the applicant must provide a kerb ramp in accordance with Council's standard 165. A plan detailing these requirements is to be submitted and approved by the Certifying Authority **prior to the release of the Construction Certificate.**
6. **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 finalised for the provision of water supply and sewerage to the development.
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 commencement of work**, 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.
9. **Prior to the commencement of work**, toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.
10. 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.
11. 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.
12. 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.

13. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.
14. The developer must make any necessary alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
15. The overflow from the storage tanks shall be drained by a stormwater drainage pipeline to the Council kerb and gutter. A pre-cast rigid kerb adopter constructed flush with the kerb and having no sharp edges must be used. Steel adopters shall be hot dipped galvanised.
16. Any fill or regrading shall be carried out in accordance with Council's specifications and is to have a turfed finish.
17. All existing landscaped areas surrounding the required building area are to be retained and protected from any construction damage. All areas adjacent to the approved building works are to be reinstated to have the same character and style. All disturbed areas shall be rendered erosion-resistant by turfing, mulching, or otherwise suitably stabilised within seven (7) days of completion.
18. The amenities block is to be locked between dusk and dawn each day.
19. **Prior to the issue of an Occupation Certificate**, a Certificate of Compliance from MidCoast Water is to be submitted to the Principal 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.

61 RESOLUTION

That the above recommendation be adopted.

2 PES - Use of Storage Area - Bunnings Loading Dock - DA181/2009 - Stockland Shopping Centre, Forster

Index: DA181/2009 & PK35565

Author: Senior Development Assessment Planner - Alan Bawden

DCU Meeting: 8 October 2009

RECOMMENDATION:

- A. It is recommended that DA 181/2008 for the use of Bunnings Delivery area for permanent and temporary goods storage associated with the retail activity of the Bunnings store, on Lot 1 DP 1099420 Breese Parade Forster, be approved subject to the following conditions of consent:
 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. Inspections shall be carried out as required by Section 162A of the EP&A Regulation 2000.
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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. 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. The 3 metre timber 'acoustic' fence be extended in an easterly direction to the point where the Bunnings large vehicle security gate intersects the northern boundary fence line. The fence shall be identical in material, finish and height of the existing timber 'acoustic' fence and shall be constructed prior to the use of the site as a storage area.

The timber fence shall be maintained in an 'as constructed' condition at all times.
7. A Hazardous/Dangerous Material storage and emergency response management plan be implemented prior to the use of the area for permanent or temporary storage of dangerous or hazardous goods.
8. No goods stored in the nominated temporary storage area shall exceed the height of the timber 'acoustic' fence, at any time.
9. Upon completion and occupation of the development no machinery, vehicles or equipment is to produce noise greater than 5dB(A) above background at the boundary of any residential property.

A noise report is to be submitted to Council within 12 months of the use of the approved storage racks and area detailing the impact of noise of the delivery and storage area.
10. Arrival of vehicles, deliveries and dispatches within the Bunnings loading dock and associated manoeuvring area are not to occur between the hours of 6.00 pm and 7.00 am on any day. This includes but is not limited to trucks and forklifts.
11. The developer shall plant an additional 3 trees, *Syzygium luehmannii* (The Cherry Myrtle) or as approved by Council's Tree Preservation Officer, in the Angel Close road reserve, as directed by Council's Tree Preservation Officer
12. The applicant shall ensure the turning areas as detailed on the plan titled: Drawing Phase TOWN PLANNING, Drawing Title Proposed Racking are kept clear at all times. This condition has been applied so that at least two delivery trucks can enter and park adjacent to the "goods inward" area of the warehouse building,

Notes:

- The turning area shall be a maximum of a three point turn for the delivery trucks to enter and exit the site in a forward direction.
- Delivery trucks are to include a 19.0 metre articulated vehicle (prime mover and associated trailer) and a 12.5 metre long heavy rigid truck.

- Turning truck circles/manoeuvring areas to be in accordance with Australian Standard AS 28990.2
 - Any reversing movement kept to a minimum distance (eg 15 metres).
- B. That Council issue an Infringement Notice under Section 125 of the Environmental Planning and Assessment Act 1979 for the carrying out of work without development consent.

62 RESOLUTION

That that the above recommendation be adopted subject to the following amendment:

Amend Condition 8 to read:

8. No goods stored in the nominated temporary storage area adjacent to the timber 'acoustic' fence shall exceed the height of the timber 'acoustic' fence, at any time.
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5 PES - Applications by Council - DA68/2010 - Floating Pontoon and Gangway, Forster Harbour, Forster

Index: DA104/2010 & PK36424

Author: Development Assessment Planner – Joanne Dunkerley

DCU Meeting: 8 October 2009

RECOMMENDATION:

It is recommended that the information be noted and that the application be assessed by Council staff.

63 RESOLUTION

That the above recommendation be adopted.

MEETING CLOSURE

The meeting closed at 2.30pm.

CHAIRPERSON