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Director Sustainable Development Services Recommendation:

That the information be noted.

2008. 591 RESOLVED :

*Moved: Cl. Hayes
Seconded: Cl. Powell*

1. That the Director Sustainable Development Services recommendation be adopted with the addition of;
2. That Council approach the RTA about cleaning up the Pacific Highway median strip between Maria River Road and Kempsey Squash Centre and whether funds are available for additional maintenance of the Road Reserve between Frederickton and Kempsey.

A division was called for by Councillors Hayes and McWilliam.

F = Voted For A = Voted Against

Bowell	F	Gribbin	F	Hayes	F	Hunt	F	McWilliam	F	Saul	F	Sowter	F
Walker	F	Green	F										

**DSDS7 RESUBMITTED APPLICATION FOR DEVELOPMENT OF SPORTING FIELDS OFF BOYTERS LANE
FILE: T6-04-307 SDS {Folio No. 380853}**

SUMMARY:

Reporting that an independent assessment report has been prepared in respect to the Development Application for development of Sporting Fields off Boyters Lane, report by consultants "Planning Overload".

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Director Sustainable Development Services Recommendation:

A. That consent be granted, subject to the following conditions:

Plan No. / Supporting Document	Version	Provided by	Dated
Plans SWR-RC-0140 Sheets 1 to 10	-	Kempsey Shire Services	February 2008
Information in Support	-	Kempsey Shire Services	May 2008
Vegetation Management Plan	-	Kempsey Shire Services	2008
Stormwater Wetland No 2.	-	Kempsey Shire Services	November 2005 & July 2006
Plan of Management	-	Kempsey Shire Services	April 2005
Statutory Ecological Assessments	-	DARKHEART Eco-consultancy	March 2008

PARAMETERS OF THIS CONSENT

1. **Development is to be in accordance with approved plans**
The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. **Compliance with Building Code of Australia**
 - a. All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

This condition does not apply:

- a. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187(6) or 188 (4), or
 - b. to the erection of a temporary building.
3. **Separate application required for advertising structures**
A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures, other than those permitted without consent by Council.
 4. **This consent does not permit commencement of any works**
This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILDING WORKS

5. **Garbage storage area required**
The application for a Construction Certificate is to include details indicating the construction of a garbage storage area on-site. The garbage storage area is to be designed and constructed so as to conceal its contents from view from public places and adjacent properties and is to be blended into the landscaping layout. The storage area is to be located so as to be readily accessible from within the site and serviceable by the waste collector from the adjoining road.

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. Roofed to prevent the entry rainwater.

Such plans must be approved as part of the Construction Certificate.

6. **Public liability insurance cover required prior to the issue of a Construction Certificate**
The developer and / or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.

7. **Access and facilities for disabled**
The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - *Design for Access and Mobility* and Part D3 of the *Building Code of Australia*.

Such plans and specifications must be approved as part of the Construction Certificate.

8. **Geotechnical Report required – Building Works on filled land**
Council's records show that the subject land has been filled. A certificate from a professional Geotechnical Engineer is to be provided to the Principal Certifying Authority, certifying that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected. The certificate must be prepared in accordance with AS 1726.

9. **Sediment and erosion measures required**
The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site / premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins. The sediment and erosion control plan is to be designed in accordance with the requirements of the Landcom Blue Book, "Soils and Construction - Managing Urban Stormwater".

The sediment and erosion control plan is to be prepared by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with Council's current Council's Adopted Engineering Standard. Such plans and specifications must be approved as part of the Construction Certificate.

10. Stormwater details required

The application for a Construction Certificate is to include plans and specification for the construction of stormwater disposal from the site in accordance with the plans approved by this consent. The drainage system is to be designed for 1 in 20 year storm event and must discharge to Council infrastructure. The stormwater system must be designed to comply with the requirements of AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.

Such plans and specifications must be approved as part of the Construction Certificate.

Engineering plans and specifications must include details in accordance with Appendix C of AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.

The plans must be in compliance with Council's Adopted Engineering Standard.

11. Water and Sewerage Section 68 approval required

An approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

12. Contributions for Water and Sewer Services prior to this issue of a Construction Certificate

Contributions set out in the following table are to be paid to Council prior to the issue of a Construction Certificate. Contributions are levied in accordance with Council's Kempsey shire Council Macleay Water DSP for Water & DSP for Sewage Services dated July 2006 The Plans may be viewed during office hours at Council's Offices.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. Payments will only be accepted by cash or bank cheque.

The Certificate of Compliance under Section 306 of the Water Management Act 2000, identifying payment of the contributions, is to be provided to the Principal Certifying Authority.

Public service	No. of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable
Water	3.2 ET	\$7947	\$25,430	30 June 2009
Sewer	4.8 ET	\$6704	\$32,179	30 June 2009
TOTAL			\$57,609	

13. Consent required for works within the road reserve
Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Standard.

14. Public Safety Management Plan required
Consent from Council must be obtained for a public safety management plan for those works within the road reserve pursuant to Section 138 of the Roads Act 1993. This public safety management plan is to include provision for (but not be limited to):

- a pedestrian barrier, alternative footpaths and ramps as necessary;
- Adequate lighting is to be provided for the playing field and all facilities;
- lighting of the alternative footpath between sunset and sunrise;
- the loading and unloading of building materials;
- parking space for tradesman's vehicles, where such vehicles must be located near the site due to tools and equipment contain within the vehicle;

Removal of any such hoarding, fence or awning as soon as the particular work has been completed.

15. Driveway details required
The application for a Construction Certificate is to include plans and specification that indicate vehicular access from the site boundary to the proposed car space(s). Vehicular access must be in accordance with AS/NZS 2890.1-2004: *Parking facilities*, Part 1: Off-street car parking.1. Plans are to include the following items:

- a) pavement description (grades exceeding 15% must be sealed);
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections every 20 metres; and
- f) drainage (open drains, pipes, etc.), including calculations and catchment details.

The plans must be in compliance with Council's Adopted Engineering Standard and Development Control Plan (DCP) 36.

16. Car parking plans required
The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring

details in accordance with the plans approved by this consent. The access, parking and manoeuvring for the site is to comply with the requirements of Council's Development Control Plan for Car Parking and Development Control Plan (DCP) 36. Plans are to include, but not be limited to, the following items:

- a) pavement description;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections at appropriate intervals, with a maximum separation of 15 metres;
- f) drainage (pipes, pits, on-site detention, etc.);
- g) a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways;
- h) Disabled space design and access paths to buildings in accordance with AS1428;
- i) a clearance height 2.2m for all internal car parking areas. Where disabled parking is to be provided a minimum clearance height of 2.5m is required. Building elements such as pipes, ducts, conduits and beams are not to encroach below the specified clearance height;
- j) turning paths; and
- k) linemarking and signs.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with AS2890.1. Such plans and specifications must be approved as part of the Construction Certificate.

17. Landscaping plan required

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Development Control Plan 36 and in accordance with the Boyters Lane Plan of Management. The landscaping plan must indicate:

- a) location of trees identified for retention in the development application plans;
- b) proposed location for planted shrubs and trees;
- c) botanical name of shrubs and trees to be planted;
- d) mature height of trees to be planted;
- e) location of grassed and paved areas;
- g) location of common tap(s) and/or irrigation system to ensure all landscape works can be adequately watered; and
- h) an effective physical barrier between public spaces, vehicles, accessways, parking areas and the surrounding landscaped area.

The plan is to be prepared by a suitably qualified landscape architect / architect / ecologist who has appropriate experience and competence in landscaping.

Such plans and specifications must be approved as part of the Construction Certificate.

18. **Construction Traffic Management Plan**
Consent from Council must be obtained for a traffic management plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'* and Development Control Plan (DCP) 36 .

The plan must incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites* manual (minimum certificate level Select & Modify).

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY BUILDING OR CONSTRUCTION WORKS COMMENCING

19. **Plumbing Standards and requirements**
All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.
20. **Toilet facilities**
Toilet facilities are to be provided, at or in the vicinity of the work site of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a flushing toilet connected to a public sewer, or if connection to a public sewer is not available, to an onsite sewage management system approved by Council, or to an approved temporary chemical water closet.
21. **Site construction sign required**
A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:
- a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

- a) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

22. **Structural engineers details**
Three (3) sets of structural engineers details prepared and certified by a practicing structural engineer detailing all reinforced concrete and structural members shall be submitted to the principal certifier for consideration fourteen (14) days prior to the commencement of that particular stage of work.
23. **Subject site classified**
That the subject site be classified "operational" under the Local Government Act 1993 and the Boyters Lane Plan of Management by Australian Wetlands Pty Ltd be adopted as the relevant PoM under that classification.
24. **Acid sulfate soil assessment**
Works involving excavations beyond 1 metre below natural ground surface must not commence until an acid sulfate soil assessment has been undertaken, the assessment submitted to Council for approval and Council has approved any measures needed for the management of those soils. This assessment must be in accordance with the *Acid Sulfate Soil Manual (NSW ASSMAC 1998)*.
25. **Plan of Management is to ensure continuous sustainable use.**
The Boyters Lane Plan of Management to be implemented to mitigate the impacts of establishment of the sports fields on the significant ecological values of the adjacent wetlands, some of which have been already implemented.

The design is to locate the playing fields and other infrastructure with a substantial buffer to Teal Lagoon (and incorporate other ameliorative measures as detailed).

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

26. **Construction times**
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.

27. **Builders rubbish to be contained on site**
All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public

reserves are to be maintained clear of rubbish, building materials and all other items.

28. **Maintenance of sediment and erosion control measures**
Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.
29. **Glazing requirements**
Glazing materials used in the building are to be selected in accordance with the provisions of Australian Standard AS 1288 *SAA Glass Installation Code* and must comply with the requirements of Australian Standard AS 2208 "Safety Glazing Materials for Use in Buildings (Human Impact Considerations)" as required by the Building Code of Australia.

Windows must be constructed to comply with Australian Standard AS 1288 or Australian Standard AS 2047. Written certification must be submitted to Council prior to occupation inspection to confirm that glazing selection, manufacture and installation has been completed in accordance with the relevant Australian Standards for the job specific project.

30. **Application for Public Events**
Separate application is required to be submitted for any Public Events which requires approval by Kempsey Council prior to the event.
31. **Standards for demolition work**
All demolition works are to be undertaken in accordance with the provision of Australian Standard AS 2601-2001 *The Demolition of Structures*. Prior to demolition, all services are to be disconnected and capped off.

No work is to be commenced in regard to the demolition or removal of the building until such time as the appropriate fees for disconnection of water and sewerage services are paid to Council where such services are no longer required. The sewer drainage system is to be appropriately sealed to prevent ingress of water and debris into the Council's main. Arrangements are to be made with Council for the withdrawal of the garbage services and collection of the waste bins.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

32. **Wiring in flood prone buildings**
All wiring, power outlets, switches, etc., must be provided in accordance with the following requirements:
- a. To the maximum extent possible must be located above the flood planning level 3.55 ADH: (1 in 100 flood event);
 - b. All electrical equipment installed below the flood planning level must be suitable for continuous submergence in water and must not contain fibrous components;

- c. All electrical equipment installed below the flood planning level must be capable of disconnection by a single plug and socket assembly;
 - d. Electrical circuits to areas below the flood planning level must be separated from circuits serving areas above the flood planning level;
 - e. Only submersible-type splices are to be used below flood planning level;
 - f. All conduits located below flood planning level are to be so installed that they will be self-draining when subjected to flooding; and
 - g. Any existing wiring is to be certified by a licensed electrical contractor as compliant with current electrical standards.
33. Sewers on flood prone land
Sewer gullies must terminate at:-
- a. a level not less than the general flood planning level 3.55 AHD; or
 - b. are to be sealed with a removable watertight cover with a vent of the same size as the gully, terminating at a level not less than the general flood planning level 4.05 AHD and must have a minimum height of 150mm maintained between the top of the overflow gully riser and the lowest fixture connected to the drain.
34. Equipment in flood prone buildings
All equipment installed below or partially below flood planning level must be capable of disconnection by a single plug and socket assembly.
35. Reconnection of electrical equipment in flood prone buildings
Any electrical device and / or part of the wiring subjected to flooding must be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO OCCUPATION OF THE BUILDING

36. Works to be completed
All of the works shown on the plans and granted by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of an Occupation Certificate.
37. Sealed driveway
A sealed driveway is to be constructed from the edge of the road formation to property boundary in accordance with the Roads Act consent.

