



PLANNING VOTES REGISTER - ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 11 August 2009 commencing at 9.00am

DSDS4 PROPOSED AMENDMENT TO KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987 (LEP AMENDMENT NO. 111) FILE: T5-111 SDS {Folio No. 405484}

SUMMARY:

Reporting that the public exhibition of LEP Amendment No. 111 to rezone land previously required to restrict access to a proposed tanker route at South West Rocks to 2(a) Residential "A" zone) has concluded with no submissions received.

SECTION 375A OF LOCAL GOVERNMENT ACT, 1993 REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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2009. 619 **RESOLVED:**

*Moved: Cl. Hayes
Seconded: Cl. Green*

That Council forward draft LEP Amendment No. 111 to the Department of Planning to make the plan.

A Division on this decision resulted in the following votes.

F = Voted For

A = Voted Against

Bowell F Campbell F Green F Hayes F Saul F Snowsill F
Sproule F Walker F

DSDS7 PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING TWO (2) STOREY DWELLING FILE: T6-09-183 BTC {Folio No. 405498}

SUMMARY:

Reporting that Council has received a Development Application for alterations and additions to an existing two storey dwelling to include a third storey for which no objections have been received.

SECTION 375A OF LOCAL GOVERNMENT ACT, 1993 REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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2009. 622 RESOLVED:

*Moved: Cl. Walker
Seconded: Cl. Hayes*

That Development Application T6-09-183 be approved subject to the following conditions:

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.

| Plan No./ Supporting Document | Version | Prepared by | Dated |
|-------------------------------|---------|-------------|-------|
| Five Sheets | - | M V Carvill | - |

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 and insurance requirements under Home Building Act 1989**
 - 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.
 - b. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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.

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

3. **Structural Engineer's Certificate required – Existing Building**
Structural Engineer's certificate stating that the existing building is capable of carrying the additional live and dead loads is to be submitted to the Principal Certifying Authority.
4. **Structural Engineer's Details required**
Three (3) sets of structural engineering details, prepared and

certified by a practicing structural engineer, of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

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

5. **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.
6. **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;
 - 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
 - c. 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.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

7. **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.

8. **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.
9. **Erosion & sediment control - special measures required**
Erosion and sedimentation controls are to be in place in accordance with the *DCP 36 – Engineering Guidelines for Subdivision and Development*. Particular attention is to be given to the provision of the following sediment and erosion control measures:
 - a. Temporary driveway from the edge of road to the building site;

- b. Temporary downpipes immediately that the roof has been erected; and
- c. Silt fence or sediment barrier.

Additionally the enclosed sign, to promote the awareness of the importance of maintenance of sediment and erosion controls, is to be clearly displayed on the most prominent sediment fence or erosion control device for the duration of the project.

Note: Council may impose on-the-spot fines of up to \$600 for non-compliance with this condition.

10. 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.

11. 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 the kerb and gutter via manufactured kerb adaptor. 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.

Note: The applicant is required to treat storm water on site to an acceptable level to minimise impacts on coastal water bodies.

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

12. Fire detection and alarm system required

A fire detection and alarm system must be installed and maintained within the building. Such system must comply with the Building Code of Australia (BCA) Part 3.7 requirements for a Class

1a building.

13. 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.

A Division on this decision resulted in the following votes.

F = Voted For

A = Voted Against

Bowell F Campbell F Green F Hayes F Saul F Snowsill F
Sproule F Walker F

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| DSDS8 | PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE (1) STOREY DWELLING FILE: T6-09-123 SDS {Folio No. 405503} |
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SUMMARY:

Reporting that Council has received a Development Application for alterations and additions to an existing single storey dwelling resulting in a three storey dwelling which requires a variation to DCP Crescent Head and to Kempsey Local Environmental Plan (KLEP) 1987

SECTION 375A OF LOCAL GOVERNMENT ACT, 1993 REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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2009. 623 **RESOLVED:**

Moved: Cl. Walker
Seconded: Cl. Campbell

A That Development Application T6-09-123 be approved subject to the following conditions:

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.

| Plan No./ Supporting Document | Version | Prepared by | Dated |
|---|---------|------------------------------|-------|
| One sheet denoted project no. 1249/09 S01 | - | Robert Dennis and Associates | - |
| One sheet denoted project no. 1249/09 | 2 | Robert Dennis and Associates | - |

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. The plans submitted for the required Construction Certificate are not to include benches and plumbing fixtures on Level 2 on the approved development plans other than the proposed bathroom and toilet.
3. Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989
 - 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.
 - b. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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.
4. This consent does not permit commencement of any works.
 5. The building or portion of the building is not to be used or adapted as a residential flat building.

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

6. Long Service Levy to be paid
A Long Service Levy must be paid to the Long Service Payments Corporation prior to the issue of a Construction Certificate. This amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change.

These payments may be made at Council's Administration Office. Cheques are to be made payable Council.

7. Compliance with BASIX Certificate.
The Principal Certifying Authority (PCA) is to ensure that the proposed development is constructed in accordance with the requirements of BASIX Certificate No. A56795, dated 22 April 2009. The Plans submitted for approval with the Construction Certificate must include all of the BASIX Certificate commitments indicated in this certificate.

Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate may be required.

8. Retaining Walls

Provide to the Principal Certifying Authority a geotechnical report certifying that the foundation material of the site is capable of maintaining stability of the existing dwelling and dwelling additions and alterations.

9. Provide to the Principal Certifying Authority a Structural Engineer's Certificate stating that the retaining walls to Level 1 and Level 2 are capable of carrying the live and dead loads of the existing dwelling and dwelling additions and alterations.

10. 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.

The plumber must obtain a Plumbing Permit at least two (2) working days prior to commencing work in accordance with the Local Government Act and the NSW Code of Practice for Plumbing and Drainage. The proponent must ensure the plumber has obtained a Plumbing Permit prior to commencing work on the site.

11. 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;
- 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
- c. 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.

12. Structural Engineer's Details required

Structural engineering details, prepared and certified by a practicing structural engineer, of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority for approval.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

13. 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.

- 14. **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.
- 15. **Maintenance of sediment and erosion control measures**
Erosion and sedimentation controls are to be in place in accordance with the DCP 36 – Engineering Guidelines for Subdivision and Development. Particular attention is to be given to the provision of the following sediment and erosion control measures:
 - a. Temporary driveway from the edge of road to the building site;
 - b. Temporary downpipes immediately that the roof has been erected; and
 - c. Silt fence or sediment barrier.

Additionally the enclosed sign, to promote the awareness of the importance of maintenance of sediment and erosion controls, is to be clearly displayed on the most prominent sediment fence or erosion control device for the duration of the project.

Note: Council may impose on-the-spot fines of up to \$600 for non-compliance with this condition.

- 16. **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 the kerb and gutter via a manufactured kerb adaptor. 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.

Note: The applicant is required to treat storm water on site to an acceptable level to minimise impacts on coastal water bodies.

- 17. **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.

18. The proposed dwelling alterations and additions are to have a finished floor level at Level 1 of 43.34 metres AHD. Provide the Principal Certifying Authority with a Survey Certificate prepared by a registered surveyor upon completion of the floor slab formwork prior to concrete being poured showing compliance with the required floor height.

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

19. **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.
20. **Fire detection and alarm system required**
A fire detection and alarm system must be installed and maintained within the building. Such system must comply with the Building Code of Australia (BCA) Part 3.7 requirements for a Class 1a building.

A Division on this decision resulted in the following votes.

F = Voted For

A = Voted Against

Bowell F Campbell F Green F Hayes F Saul F Snowsill F
Sproule F Walker F