



**PLANNING VOTES OF THE WORKS COMMITTEE INSPECTION MEETING
OF KEMPSEY SHIRE COUNCIL**

Tuesday 23rd March 2009 commencing from the Civic Centre at 1.04 p.m.

WI 1	CONTINUED USE OF EXISTING DECK 6B BEECH PLACE, SOUTH WEST ROCKS FILE: T6-08-447 SDS {Folio No. *}
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SUMMARY:

Reporting that Council has received an application for continued use of an existing deck for which an objection has been received.

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

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Director Sustainable Services Department Recommendation:

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

- 1. The existing timber screen fixed to the colour bond fence is to be removed.**
- 2. A 1.8m high privacy screen measured from the top of the deck and fixed to the deck floor frame for the full length of the deck, staircase and one colour bond panel past the staircase is to be erected.**
- 3. A Building Certificate with recent survey by registered surveyor showing buildings and the timber deck relative to the boundaries to allow formalisation of the unlawfully erected deck is to be obtained.**
- 4. Submission of an engineer's certificate certifying the timber deck and screen as constructed are suitable for the intended purposes having regards to expected loadings.**

B. That the applicant be advised that all conditions are to be complied with within 30 days of the date of consent.

2009. WI 1 RESOLVED:

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

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

- 1. The existing timber screen fixed to the colour bond fence is to be removed.**

2. The existing privacy screen shall be fixed to the deck floor frame.
 3. A Building Certificate with recent survey by registered surveyor showing buildings and the timber deck relative to the boundaries to allow formalisation of the unlawfully erected deck is to be obtained.
 4. Submission of an engineer's certificate certifying the timber deck and screen as constructed are suitable for the intended purposes having regards to expected loadings.
- B. That the applicant be advised that all conditions are to be complied with within 60 days of the date of consent.

A Division on this decision resulted in the following votes.

F = Voted For
A = Voted Against

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

Councillor Gribbin declared an interest in the following item for the reason that he is a neighbour of the property in the report and retired from the Chamber.

WI2	MODIFICATION TO TIMBER SCREEN AND TIMBER POOL DECK 7 BEECH PLACE, SOUTH WEST ROCKS FILE: T6-08-397 SDS {Folio No. *}
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SUMMARY:

Reporting that Council has received an application to increase the height of a previously approved timber privacy screen and inclusion of a timber deck around an above ground pool for which objections have been received.

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

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MOVED:

*Moved: Cl. Hayes
Seconded: Cl. Saul*

- A. That the application to modify Development Consent T6-08-397 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./ Document	Supporting	Version	Prepared by	Dated
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Plan No./ Supporting Document	Version	Prepared by	Dated
One Sheet	-	Submitted by H P Morgan	-

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 ANY BUILDING OR CONSTRUCTION WORKS COMMENCING

3. 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
- 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

4. **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 a.m. to 6 p.m.
 - b) Saturday, from 8 a.m. to 1 p.m.

No construction work is to take place on Sundays or Public Holidays.

5. **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.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

6. **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.

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

7. **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.
8. **Screen is to be provided on the eastern side**
Screen is to be provided on the eastern side of the swimming pool deck. Details to be submitted to Council for approval prior to the issue of the construction certificate.

- B. That the objectors be advised of Council's decision.

An AMENDMENT was MOVED:

*Moved: Cl. Walker
Seconded: Cl. Green*

- B. That the application to modify Development Consent T6-08-397 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.

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

- c) 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.
- d) 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:

- c) 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
- d) to the erection of a temporary building.

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

3. 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
- 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

4. 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 a.m. to 6 p.m.
- b) Saturday, from 8 a.m. to 1 p.m.

No construction work is to take place on Sundays or Public Holidays.

- 5. 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.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

- 6. 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.

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

- 7. 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.
- 8. Screen is to be provided on the eastern side
Screen is to be provided on the eastern side of the swimming pool deck. Details to be submitted to Council for approval prior to the issue of the construction certificate.

B. That the objectors be advised of Council's decision.

That the height of the proposed fence be reduced by 100mm.

The MOTION was WITHDRAWN at the request of Councillors Hayes and Saul.

2009. WI2 The AMENDMENT became the MOTION, was PUT to the MEETING and was CARRIED (see also minute number 2009. WI6).

A Division resulted in the following votes.

F = Voted For
A = Voted Against

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

Councillor Gribbin returned to the Chamber.

WI4	APPLICATION TO REVIEW DETERMINATION TELECOMMUNICATION TOWER
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SUMMARY:

Reporting that Council has received a request for Review of Determination under Section 82A of the Environmental Planning and Assessment Act 1979, including a revised site plan indicating a change of position for a telecommunication tower and compound at Turners Flat

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

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2009. WI 4 **RESOLVED:**

*Moved: Cl. Walker
Seconded: Cl. Gribbin*

- A. That Development Application No. T6-08-264 be approved subject to the conditions prescribed below:

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
Locality & Site Plan Job No. T237 S1 Sheets 2	3	MYD Consulting Engineering	21 st Jan 2009
Site Setout Plan Job No. T237 S2 Sheets 3	3	MYD Consulting Engineering	21 st Jan 2009
Site Elevation Job No. T237 S3 Sheets 4	2	MYD Consulting Engineering	21 st Jan 2009

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**
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.

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

3. 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 ANY BUILDING OR CONSTRUCTION WORKS COMMENCING

4. **Erosion & sediment control - special measures required**
Erosion and sedimentation controls are to be in place in accordance with the Development Control Plan (DCP) 36. 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.

5. **Toilet facilities**
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 toilet connected to an accredited sewage management system approved by the Council.
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:
 - Monday to Friday, from 7 a.m. to 6 p.m.
 - Saturday, from 8 a.m. to 1 p.m.

No construction work is to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to 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. **No filling around trees**
No soil or fill material is to be placed within the drip-line of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.
10. **Burning of felled trees prohibited**
The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

11. **Asset Protection Zone**
The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.
 - a) At the commencement of building works and in perpetuity the property around the building shall be managed as follows:
 - North, South, East and West for a distance of 20 metres as an asset protection zone, as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.

12. **Access**
 The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and other assisting fire fighting activities.
- a) Property access roads shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006.
13. **Design and Construction**
 New construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of *Planning for Bush Fire Protection 2006*. In this regard the following design standards for construction are to be incorporated into the development:
- a) New construction shall comply with Australia Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 3;
- b) Roofing shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5;
- c) There is to be no exposed timber on the proposed building.
14. **Demolition of tower upon decommissioning**
 At the completion of the life of the tower (decommissioning of the tower and associated infrastructure) the development will be dismantled or demolished and removed in full from the subject site.

B. That the objectors be advised on Council's decision.

A Division on this decision resulted in the following votes.

F = Voted For
 A = Voted Against

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

WI5 TELECOMMUNICATION TOWER – WILLAWARRIN
2418 ARMIDALE ROAD, WILLAWARRIN
FILE: T6-08-464 SDS {Folio No. *}

SUMMARY:

Reporting that Council has received a request for Review of Determination under Section 82A of the Environmental Planning and Assessment Act 1979, including a revised site plan indicating a change of position for a telecommunication tower and compound at Turners Flat

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

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2009. WI5 RESOLVED:

Moved: Cl. Walker
Seconded: Cl. Gribbin

- A. That development application T6-08-464 be approved subject to the conditions prescribed below:

PARAMETERS OF THE 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
Statement of Environmental Effects	-	Connell Wagner P/L	19.12.08
Site Elevation Plan	-	Connell Wagner P/L	19.12.08
Site Layout Plan	-	Connell Wagner P/L	19.12.08
Site Location Plan	-	Connell Wagner P/L	-

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**
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.

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

3. 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.
4. **Engineer's details**
Structural Engineer's Details for the lattice tower, all

antennas, the maintenance shed, and the reinforced concrete slab are to be submitted to Council prior to the issue of a Construction Certificate.

5. Section 88B Instrument requirements

A Section 88B Instrument and 1 copy are to be submitted to Council prior to the issue of Construction Certificate. The Section 88B Instrument is to be provided for the item listed in the following table:

Item for inclusion in Section 88B Instrument	Details of Item
Rights of Carriageway	The creation of suitable rights of carriageway over the access to proposed Lot 22.

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

6. Erosion & sediment control - special measures required

Erosion and sedimentation controls are to be in place in accordance with the Development Control Plan (DCP) 36 prior to the commencement of any works.

Erosion and sediment controls are to be maintained at all times to the satisfaction of Council until the site has been stabilised by hard surface or permanent vegetation.

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

7. Toilet facilities

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 toilet connected to an accredited sewage management system approved by the Council.

8. 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

9. **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:
- Monday to Friday, from 7 a.m. to 6 p.m.
 - Saturday, from 8 a.m. to 1 p.m.
- No construction work is to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.
10. **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.
11. **No filling around trees**
 No soil or fill material is to be placed within the drip-line of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil.
12. **Demolition of tower upon decommissioning**
 At the completion of the life of the tower (decommissioning of the tower and associated infrastructure) the development will be dismantled or demolished and removed in full from the subject site.

A Division on this decision resulted in the following votes.

F = Voted For
 A = Voted Against

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

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The following item was recommitted at the request of the Director Sustainable Development Services to further clarify conditions of the resolution.

Councillor Gribbin declared an interest in the following item for the reason that he is a neighbour of the property in the report and retired from the Chamber.

WI2	MODIFICATION TO TIMBER SCREEN AND TIMBER POOL DECK 7 BEECH PLACE, SWR FILE: T6-08-397 SDS	{Folio No. *}
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That the section of the fence to the rear of the existing screen of the adjoining property be deleted (that is, the end panel on the north western corner).

(see also minute number 2009. WI2)

A Division resulted in the following votes.

F = Voted For

A = Voted Against

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

Councillor Gribbin returned to the Chamber.