



PLANNING VOTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL 15 MARCH 2011

1.7.1 Demolition of Existing Garage and New Detached Garage and First Floor Studio

File: T6-10-417 {Folio No. 446114}

SUMMARY

Reporting that Council has received an application for demolition of an existing detached garage and construction of a new detached garage and first floor studio for which objections have been received.

2011. 99 RESOLVED:

***Moved: Cl. Campbell
Seconded: Cl. Green***

A That Development Application T6-10-417 is 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
No 1 Sheet 1 to 3	A	Ms Booth	Date of Stamping

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 Design Changes: Amended plans required**
The design of the development is to be modified as set out in the following table. Amended plans and specifications incorporating the following design amendments must be incorporated in the plans and specifications submitted with the application for a Construction Certificate:

Design Amendment

- a. Provide site plan showing garage studio standing 1.5m from the rear and side boundaries)(To preserve the amenity of the area.
- b. Provide plans and specifications of the retaining walls reinstating and stabilising the road reserve.
- c. Provide 1.8 metres privacy screen to the northern elevation of the studio deck.

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.

4 Notification of Home Building Act 1989 requirements
Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

5 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

6 Geotechnical Report required – Engineering Works
A certificate from a professional Geotechnical Engineer is to be

provided to the Principal Certifying Authority, certifying that:

- a) the design of the civil engineering works, including retaining walls and/or cut and fill batters, has been assessed as structurally adequate in accordance with the relevant Australian Standards;
- b) the civil engineering works will not be affected by landslip or subsidence either above or below the works;
- c) adequate drainage has been provided with appropriate considerations given to groundwater constraints.

7 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.

8 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 via a capture pit to the kerb and gutter via a suitably 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.

9 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.

10 Building materials and colours to be specified

The application for a Construction Certificate is to include a schedule of finishes which indicates the colour and type of all finished surfaces. The colours and materials must be drawn from colours found in the surrounding natural environment such as:

- a) Water – steel blue (rather than blue-green);
- b) Tea Tree Lake – red-brown;
- c) Spinifex – tan, buff, grey-green;
- d) Pandanus – grey-green;
- e) Rocks – crimson-red, dark greys;
- f) Banksia – yellow, grey-green, brown;

- g) Sand – wet, dry;**
- h) Littoral Rainforest – deep green;**
- i) Coastal Cypress Pines – grey-green, black.**

The materials and colours of external features of driveways, walkways or large paved areas must be in colours that blend with the surrounding natural earth materials (e.g. red browns, darker browns, sandy brown) and must be non-reflective.

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

11 Plans of retaining walls and drainage

The application for a Construction Certificate is to include plans and specifications prepared by a Structural Engineer and having regard to any recommendations in the geotechnical report for a retaining wall along the length of the shed fronting Francis Dimond Street and retaining the adjoining property.

12 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.

13 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 to Council.

14 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

15 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.

16 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.

17 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.

18 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*.

19 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.

20 Survey of building location required

A survey certificate prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to ensure the siting of the building in relation to adjacent boundaries is in accordance with the development consent.

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

21 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.

22 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 3.7.2.2 requirements for a Class 1a building.

23 The proposed garage and studio must be constructed to BAL 12.5 and BAL 19 in accordance with Midcoast Building and Environmental Bushfire Assessment Report dated January 2011.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

24 Premises not used for human habitation

The premises must not be used for human habitation/sleeping commercial or industrial purposes.

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

A Division 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										

1.7.2 Proposed Three Storey Dwelling
File: T6-10-316 {Folio No. 446116}

SUMMARY

Reporting that Council has received a Development Application to demolish an existing dwelling and erect a three storey dwelling for which objections have been received and which requires a variation to Kempsey Local Environmental Plan 1987 and DCP Crescent Head.

2011. 112 RESOLVED:

Moved: Cl. Saul
Seconded: Cl. Green

A That Development Application T6-10-316 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 DWG No. 01D, Site Plan	D	Hotondo Homes	20 Jan 2011
One sheet denoted DWG No. 02D Lower Ground Floor	D	Hotondo Homes	20 Jan 2011
One sheet denoted DWG No. 03D Ground Floor Plans	D	Hotondo Homes	20 Jan 2011
One sheet denoted DWG No. 04D Upper Floor Plans	D	Hotondo Homes	20 Jan 2011
One sheet denoted DWG No 05D	D	Hotondo Homes	20 Jan 2011

Plan No./ Supporting Document	Version	Prepared by	Dated
Elevations			
One sheet denoted DWG No. 06D Elevations	D	Hotondo Homes	20 Jan 2011
One sheet denoted DWG No. 07D Sections	D	Hotondo Homes	20 Jan 2011
One sheet denoted DWG No. 09D shadow Diagrams	D	Hotondo Homes	20 Jan 2011

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 Design Changes: Amended plans required

The design of the development is to be modified as set out in the following table. Amended plans and specifications incorporating the following design amendments must be incorporated in the plans and specifications submitted with the application for a Construction Certificate:

Design Amendment

The garden bed is to be a maximum height of 0.6 metres and courtyard wall a maximum height of 1.8 metres.

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.

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

Prior to the release of the Construction Certificate for the dwelling the following things must be done:

6 Demolition of Existing Structures

The existing dwelling shall be demolished in a safe and systematic manner in accordance with the requirements of Australian Standard AS 2601-2001 "The Demolition of Structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc., being handled, conveyed and disposed of in accordance with guidelines and requirements of the NSW WorkCover Authority. Disposal of asbestos material at Council's Waste Depot requires prior arrangement.

Prior to the commencement of any demolition work, the property's sewer connection must be disconnected at the Inspection Shaft and capped. This work must be carried out by a licenced plumber.

7 Provide Council with a completed Section 68 application form Application for Approval to Connect to Sewer, payment of Council fees for this service and provide a modified drainage plan.

8 Roads Act Activity Approval

Provide Council with the completed form "Request for Consent to Carry Out a S138 Roads Act Activity" for the proposed vehicular access from the road formation to the property boundary of the above development; payment of the necessary fees and engineering details of the proposed driveway crossing to the above development.

9 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.

10 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.

11 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. 338020S_03, dated 19 November 2010. 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.

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 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.

14 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.

15 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.

16 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.

17 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.

18 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 existing system. 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.

19 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.

20 Survey Certificates Required

A survey certificate prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the garage floor slab formwork, before concrete is poured, to ensure that the finished floor level of the garage will be constructed at 12.400 metres A.H.D in accordance with the development consent.

A survey certificate prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the upper floor framework, before lining of the framework, to ensure the top plate has been constructed at 20.550 metres A.H.D in accordance with the development consent.

A survey certificate prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the roof framework, before the roof cladding is fastened, to ensure the

building will be constructed at 22.25 metres A.H.D in accordance with the development consent.

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

21 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.

22 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.

23 Sealed driveway in accordance with the Roads Act

A sealed driveway is to be constructed from the edge of the road formation to property boundary in accordance with the Roads Act consent.

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

A Division 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										