



PLANNING VOTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

1.7.1 Amenities Block with Canteen and Storage Area File: T6-10-448 {Folio No. 450703}

SUMMARY

Reporting that Council has received a development application for the construction of an amenities block with canteen and storage facilities at the cricket oval at 62-118 Lachlan Street, South Kempsey for which objections have been received.

Applicant: Macleay Valley Cricket Association
Subject Property: Lot 298 DP722758 62-118 Lachlan Street
South Kempsey
Zone: 6 (a) (Open Space "A" Zone)
Proposed Development: Amenities Block with Canteen and Storage Area

Background

The uses of the site include: tennis courts, cricket fields and training nets. An amenities building onsite is currently used in association with the tennis courts, there are no facilities currently servicing the cricket field or training nets.

Proposal

The proposal is for a building to be used as a cricket club which includes: 153m² enclosed, block walled, colour bond roofed amenities building housing; two change rooms, store rooms, meeting room and canteen and a 69.12m² awning facing the cricket field. The intended use is for the storage of sporting goods and grounds keeping equipment, meetings, canteen and change rooms to be utilised on game days.

MOVED:

Moved: Cl. Green
Seconded: Cl. Gribbin

A That Development Application T6-10-448 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 Document | Version | Prepared by | Dated |
|--------------------|---------------------|---------|-------------|-------|
|--------------------|---------------------|---------|-------------|-------|

| Plan No./ Supporting Document | Version | Prepared by | Dated |
|---|----------------|------------------------|--------------------|
| Site Plan & Sediment/Erosion Plan | 1 | Dennis Partners | 20 Jan 2010 |
| Floor Plan & Elevations | 1 | Dennis Partners | 20 Jan 2010 |
| Accessible Floor Plan & Details, Electrical Plan | 1 | Dennis Partners | 20 Jan 2010 |

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.

3 Separate application required for signs not approved by this consent

Separate development consent is required from Council prior to the erection of any advertisements or advertising structures other than the sign/s, approved in this consent.

**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 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.
- 6 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.

7 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.

8 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.

9 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.

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

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

10 Erosion & sediment measures in accordance with Council's Guidelines

Erosion and sedimentation controls are to be in place in accordance with Development Control Plan (DCP) 36.

11 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 minimise the visual impact of the development on adjoining properties and be at least 2.5 metres around the northern and western elevations of the proposed development. 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 (Contact Council Officers for list of preferred Native Species);

- d) mature height of trees to be planted;
- e) location of grassed and paved areas;
- f) screening of clothes drying areas and garbage receptacles from public view;
- 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 and be to the satisfaction of the Director of Sustainable Environment.

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

12 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 and proposed methods of graffiti removal. The colours and materials must be drawn from colours found in the surrounding natural environment of 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; and
- 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.

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:

- Monday to Friday, from 7 am to 6 pm.
- Saturday, from 8 am to 1 pm.

No construction work is to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays Off and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

14 Limiting construction noise

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

15 Construction dust suppression

All necessary works are to be undertaken to control dust pollution from the site.

These works must include, but are not limited to:

- a. restricting topsoil removal;
- b. regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
- c. alter or cease construction work during periods of high wind; and
- d. erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

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

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

18 Measures to control stormwater runoff

Measures must be put in place to control stormwater runoff. These control measures must be in place prior to the commencement of works so as to prevent soil erosion and the transport of sediment from the site into either:

- a. adjoining land;
- b. natural drainage courses;
- c. constructed drainage systems; or
- d. waterways.

All disturbed areas must be stabilised and revegetated. Turfing or another approved seeding method must be undertaken in each part of the development within 7 days of completion of

earthworks. Topsoil must be preserved for site revegetation. Details of sediment control measures and revegetation works must be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

19 Rainwater tank requirements

Rainwater tank/tank-stand installations are to be structurally sound, and in accordance with manufacturers detail and/or Guidelines for Plumbing Associated with *Rainwater Tanks in Urban Areas*. Overflow from the tank is to be diverted to the existing stormwater system, or disposed of in a manner not to cause nuisance to neighbouring properties or degradation of land.

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

20 Sewer and water to be connected

Sewer and water supply is to be connected to the premises in accordance with an approval granted under Section 68 of the Local Government Act 1993.

21 Access and facilities for persons with disabilities are to be provided

Access and facilities for persons with disabilities are to be provided in accordance with AS 1428 - *Design for Access and Mobility*. An accessible car parking space is to be provided.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

22 Operation of car parking area

All car parking spaces are to be provided and maintained, together with all necessary access driveways and turning areas, to the satisfaction of Council.

Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

23 Provision of bins

At any time the cricket clubhouse is open; three 240 litre bins are to be provided for general rubbish. These are to be stored inside the clubhouse when not in use.

24 No trees to be removed

No trees are to be removed for the construction of the Clubhouse.

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

An Amendment was MOVED:

*Moved: Cl. Saul
Seconded: Cl. Sproule*

That this matter be listed for a works inspection.

2011. 199 The AMENDMENT was PUT to the MEETING and was CARRIED, became the

MOTION and was CARRIED.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

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

1.7.2 Planning Proposal for Residential Rezoning
File: T5-115 {Folio No. 450704}

SUMMARY

Reporting that Council has received a Planning Proposal to rezone land from 7(d) (Scenic Protection Zone) to part 2(a) (Residential "A" Zone) and part 7(d) (Scenic Protection Zone) at Lot 82 DP263591, New Entrance Road, South West Rocks.

Applicant: Hopkins Consultants Pty Ltd
PO Box 1556
Port Macquarie NSW 2444
Subject Property: Lot 82 DP263591,
New Entrance Road, South West Rocks
Zone: 7(d) (Scenic Protection Zone)

Proposed Development

Council, as a Relevant Planning Authority (RPA), has received a planning proposal, prepared by Hopkins Consultants Pty Ltd, seeking an amendment to the Kempsey Local Environment Plan (KLEP) 1987.

2011. 200 RESOLVED:

Moved: Cl. Hayes
Seconded: Cl. Campbell

That planning proposal T5-115 be forwarded to the Department of Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

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

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