



PLANNING VOTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

21 February 2012 commencing at 9.00am.

1.4 Proposed Child Care Centre
File: T6-11-344 {Folio No. 469448}

1211	RBP
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SUMMARY

Reporting that Council has received a Development Application to establish a Child Care Centre within an existing residential area for which objections have been received.

Applicant: Hopkins Consultants Pty Ltd
 Subject Property: Lot 1 DP115015, 11 Austral Street, Kempsey
 Zone: 2(a) – Residential "A" Zone

MOVED: *Moved: Cl. Bowell*
Seconded: Cl. Walker

A That Development Application T6-11-344 be approved subject to the following conditions:

PARAMETERS OF THIS CONSENT

STAGES 1 AND 2

**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
Stage 1 Construction Plan – Job No 11-334 – (Floor Plan and Site Plan) – as amended in red		A	Paul Smith Building Design	24/11/11
Stage 2 Construction Plan – Job No 11-334 – (Floor Plan, Elevations and Site Plan) – as amended red		A	Paul Smith Building Design	24/11/11
Stage 1 Elevations – Job No 11713		-	Macleay Valley Sheds	-
Stage 1 Elevations – Job		-	Fairdinkum	28/10/11

Plan No./ Document	Supporting	Version	Prepared by	Dated
No KEMP11713			Sheds	

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 Staging of Development

The development is to be constructed in 2 stages, according to the following:

a) Stage 1: Modification of Existing Dwelling for Administration Purposes:

- Addition of access ramp and stairs to rear of building.
- Convert existing bathroom to disabled person amenities.
- Other internal changes including provision of reception desk and changes to internal doorways.
- New driveway.
- Provision of 6 sealed car parking spaces.
- Provision of a pick-up/set-down area near the entry to the property.
- Construction of separate play centre building.
- Construction of fenced outdoor children’s play area.
- Completion of driveway.
- Removal of existing large mango tree.

b) Stage 2: Addition to Existing Building for Physiotherapy and Occupational Therapy:

- Addition to rear of Administration building.
- Relocation of disabled access ramp to suit new rear wall of existing building.
- Provision of an additional two (2) sealed car parking spaces.

Development of the stages is to occur in a sequential order. That is, Stage 1 is to be approved and developed prior to Stage 2.

3. 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 as relevant for that stage of development:

(a) Stage 1:

Design Amendment	Reason for Amendment
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Design Amendment	Reason for Amendment
<ul style="list-style-type: none"> • Widen short term parking bay to 2.5m. • Convert the 'turning bay' on the plan to a parking space. • Provide an additional turning bay near the play centre with associated reversing area to allow vehicles to leave the site in a forward direction. • Remove existing large mango tree. • Provision of a total of 6 sealed car parking spaces, as per approved plans as amended in red. • Provision of a pick-up/set-down area near the entrance to the property. • Amend eastern side of driveway to accommodate reversing manoeuvres from parking bays. • Amended access and parking areas are to comply with the relevant requirements of Council's Development Control Plan 36 – Guidelines for Engineering and Subdivision and relevant Australian Standards. 	<p>Ensure provision of sufficient number of car parking spaces on site.</p>
<p>External wall fire rated as shown in red on the approved plans</p>	<p>Comply with BCA 2011</p>

b) Stage 2:

Design Amendment	Reason for Amendment
<p>External wall fire rated as shown in red on the approve plans</p>	<p>Comply with BCA 2011</p>
<ul style="list-style-type: none"> • Add 2 additional car parking spaces adjacent to the proposed outdoor children's play area. • Amended access and parking areas are to comply with the relevant requirements of Council's Development Control Plan 36 – Guidelines for Engineering and Subdivision and relevant Australian Standards. 	<p>Ensure provision of sufficient number of car parking spaces on site.</p>

- 4 BCA – New Building Works – Class 2-9 Buildings**
Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with Volume 1 of the Building Code of Australia

as in force on the date the application for the relevant construction certificate or complying development certificate is made.

- 5 **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.
- 6 **This consent does not permit commencement of any work**
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.
- 7 **Boundary Fencing**
Boundary fencing is to be replaced, if required due to damage or inability to provide sufficient privacy screening, at the full cost of the developer and at no cost to adjoining property owners.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR BUILDING WORKS

STAGE 1 AND 2

- 8 **Public liability insurance cover required**
The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million. Council is to be nominated as an interested party on the policy.
- 9 **Structural Certification for Design – BCA (Class 2 to 9)**
Prior to the issue of a Construction Certificate, structural details and a structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2 (a)(iii) of the Building Code of Australia (applicable to clause 2-9 building) must be submitted to the satisfaction of Council (Where Council is the Certifying Authority).
- 10 **Fire Safety Schedule**
A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to council as part of a Construction Certificate in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000. This schedule shall specify current and proposed fire safety measures and nominate standard of performance. The Fire Safety Schedule shall identify each Fire Safety measure that is/are Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect to each such measure.
- 11 **Mechanical Ventilation**
Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person

certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

- 12 **Part J BCA 2011**
A Report shall be issued by an appropriately qualified person and provided to Council addressing the appropriate provisions of Part J for the Class 5 Part of the Buildings alterations and additions prior to issue of a Construction Certificate.
13. **Specifications**
Provide two specifications for the Class 9c buildings detailing the appropriate clauses of the Building Code of Australia and relevant Australian Standards and consulting engineer's plans and specifications prior to the issue of Construction Certificate.
- 14 **Professional Engineers**
The applicant's consultants, with the appropriate engineering qualifications, are to provide BCA 2011 certified plans and specifications prior to the issue of a Construction Certificate.

For the following:
 - 1 Mechanical
 - 2 Electrical
 - 3 Civil & Structural
- 15 **Compliance with Disability (Access to Premises – Buildings) Standards 2011**
Provide an Access Appraisal Report for the Class 9b alterations and additions from an appropriately qualified person prior to the issue of a Construction Certificate.
- 16 **Structural Strength and Fire Safety**
Provide engineer's certificate as part of a Construction Certificate certifying the proposed new work will not result in a reduction to the fire protection and structural capacity of the building(s) in accordance with Clause 143 of the Environmental Planning and Assessment Regulation 2000.
- 17 **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 1428.1-2009 Design for Access and Mobility and Part D3 of the Building Code of Australia 2011. Such plans and specifications must be approved as part of the Construction Certificate.
- 18 **Acid sulphate soil assessment**
Works involving excavations beyond 1 metre below natural ground surface must not commence until an acid sulphate 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)*. The assessment is to be

approved by Council prior to the issue of a Construction Certificate.

STAGE 1

19 Existing Buildings to be brought into Compliance with Fire Safety Provisions

In accordance with Clause 94 of the Environmental Planning & Assessment Regulation 2000, Council requires the existing building(s), subject to a development application, be brought into full compliance with the fire safety provisions of the Building Code of Australia 2011. Report is to be submitted to Council with the Construction Certificate.

20 Structural Certification for Existing Building – Alterations and Additions

A qualified practising certified structural engineer must provide structural certification verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) of the Building Code of Australia prior to a Construction Certificate being issued.

The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

Note: Where a condition of consent has been imposed under the provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building (part or whole) may be required to comply fully with Part B1 of the Building Code of Australia including compliance with the earthquake loads standard, AS1170.4.

21 Stormwater drainage approval required

Prior to the issue of a Construction Certificate for Stage 1, an approval is to be obtained from Council under Section 68 of the *Local Government Act 1993* to carry out stormwater drainage work.

The stormwater drainage is to be designed to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. The drainage system is to be designed for a 1 in 20 year storm event. All piped drainage lines over adjoining land are to be located within drainage easements. All costs are the responsibility of the proponent.

Engineering plans and specifications are to be submitted in triplicate and must include details in accordance with Appendix C of AS/NZS 3500.3:2003 – *Plumbing and Drainage*, Part 3: Stormwater drainage in compliance with Council's adopted Engineering Standard.

22 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, to be constructed as part of Stage 1 of the development.

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.

The Section 138 approval will not be issued unless the plans show:

- a) The means of collecting stormwater from the car parking area and discharging it to Council's existing stormwater system in Austral Street; and**
- b) Pavement details, including a sealed surface in accordance with Council's DCP 36.**

23 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 and to be provided as part of Stage 1A of the development. The public safety management plan is to include provision for (but not be limited to):

- a) A pedestrian barrier, alternative footpaths and ramps as necessary.**
- b) Lighting of the alternative footpath between sunset and sunrise.**
- c) The loading and unloading of building materials.**
- d) Parking space for tradesman's vehicles, where such vehicles must be located near the site due to tools and equipment contained within the vehicle.**
- e) Removal of any such hoarding, fence or awning as soon as the particular work has been completed.**

24 Engineering Certification for Flooding

Structural Engineer's Certificate, prepared by a suitably qualified person, is to be submitted prior to the issue of a Construction for the particular stage of development, certifying that the building has been designed to withstand the forces created by floodwaters and debris loadings anticipated for the area, and indicate any impacts on adjoining buildings and land.

25 Car parking plans required

The application for a Construction Certificate for Stage 1 of the development is to include plans and specifications that indicate access, on-site parking and manoeuvring details in accordance with the plans approved by this consent. That is, driveways from the property boundary to the on-site parking spaces. The access, parking and manoeuvring for the site is to comply with the requirements of Council's Development Control Plan for Car Parking. Plans are to include, but not be limited to, the following items:

- a) Pavement description- provision of a sealed pavement will be required.**
- b) Site conditions affected 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) Provision of a total of 6 sealed parking spaces.
- i) Provision of a pick-up/set-down area adjacent to the entrance of the property.
- j) Disabled space design and access paths to buildings in accordance with AS1428.

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 Institute of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in a related field.

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

26 Certification of Compliance

Prior to the issue of a Construction Certificate a Certificate of Compliance pursuant of Section 305 of the *Water Management Act 2000* shall be submitted to Council. The Certificate of Compliance shall certify that all works and/or contributions required for the approved development have been completed and/or paid.

STAGE 2

27 Existing buildings to be brought into compliance with fire safety provisions

In accordance with Clause 94 of the Environmental Planning & Assessment Regulation 2000, Council requires the existing building(s), subject to a development application, be brought into full compliance with the fire safety provisions of the Building Code of Australia 2011. Report is to be submitted to Council with the Construction Certificate.

28 Structural Certification for existing buildings – Alterations and additions

A qualified practising certified structural engineer must provide structural certification verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol. 1) of the Building Code of Australia prior to a Construction Certificate being issued.

The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

Note: Where a condition of consent has been imposed under the provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building (part or whole) may be required to comply fully with Part B1 of the Building Code of Australia including compliance with the earthquake loads standard, AS1170.4.

29 Car parking plans required

The application for a Construction Certificate for Stage 2 of the development is to include plans and specifications that indicate access, on-site 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. Plans are to include, but not be limited to, the following items:

- a) Pavement description- provision of a sealed pavement will be required.
- b) Existing and design levels.
- c) Drainage (pipes, pits, on-site detention, etc.).
- d) Provision of a total of 8 sealed parking spaces. That is, an additional 2 parking spaces to those provided for Stage 1.
- e) Provision of a pick-up/set-down area adjacent to the entrance of the property.
- f) Disabled space design and access paths to buildings in accordance with AS1428.

30 Engineering certification for flooding

A Structural Engineer's Certificate, prepared by a suitably qualified person, is to be submitted prior to the issue of a Construction Certificate for the particular stage of development, certifying that the building has been designed to withstand the forces created by floodwaters and debris loadings anticipated for the area, and indicate any impacts on adjoining buildings and land.

31 Certification of Compliance

Prior to the issue of a Construction Certificate a Certificate of Compliance pursuant of Section 305 of the *Water Management Act 2000* shall be submitted to Council. The Certificate of Compliance shall certify that all works and/or contributions required for the approved development have been completed and/or paid.

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

STAGE 1 & 2

32 Date of commencement

Council shall be notified of the commencement of works not less than two (2) days prior to any works commencing. The two (2) day notification to Council shall be in writing and specify the date of commencement.

33 Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$20 million, is to be maintained for the duration of the construction of the development. Council is to be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

34 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.
- c) Stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while 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. This condition does not apply to building work carried out inside an existing building that does not affect the external walls of a building.

35 Toilet facilities

Toilet facilities shall be provided or made available at or in the vicinity of the work site at a rate of one toilet for every 20 persons or part of 20 persons employed at the site, for each stage of the development. Each toilet provided shall be a flushing toilet connected to Council's sewer infrastructure, or to an approved temporary chemical water closet.

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

Erosion and sedimentation controls are to be in place in accordance with Council's Guidelines and approved Sediment Erosion Control Plan, during the construction of the development.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH DURING CONSTRUCTION

STAGES 1 & 2

37 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 7am to 6pm.
- b) Saturday, from 8am to 1pm.

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.

- 38 Limiting construction noise**
Construction noise is to be limited as follows:
- a) For construction periods of four (4) week 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 20Db(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).
- 39 Builders rubbish to be contained on site**
All builders rubbish is to be contained on site in a 'Builders Skip' 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.
- 40 Public Utility Services**
Any necessary alterations to or relocation of public utility services are to be carried out at no cost to Council.
- 41 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.
- 42 Maintenance of sediment and erosion control measures in accordance with Council's Guidelines**
Sediment and erosion control measures in accordance with Council's Guidelines 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

STAGES 1 AND 2

- 43 Works to be completed**
Prior to occupation of the building, for each Stage of development, all of the works shown on the plans and granted by this consent, including any other consent that is necessary for the completion of this development (including stormwater drainage), and any rectification works to damaged Council

land or infrastructure, shall be completed and approved by the Principal Certifying Authority (PCA) and any other relevant consent authority/s. Any bond paid for any stage of the development will be held until Council is satisfied that no further works are to be carried out that may result in damage to Council's road/footpath reserve.

44 Rectification of any damages

Prior to occupation of the building at each stage of the development, Council shall be satisfied that all infrastructure is maintained/repaired to pre-development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc. Evidence shall be provided to Council indicating the pre-development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets caused as a result of construction works under this consent.

45 Mechanical Ventilation

Prior to issue of an Occupation Certificate and following the completion for each Stage of development, installation and testing of all mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

46 Landscaping

Landscaping is to be provided and maintained within the development in accordance with the following:

- a) A garden bed planted with suitable low-level plants such as flowers and shrubs is to be provided between the driveway and the eastern boundary of the site.
- b) Landscaping is to allow clear visibility throughout the site by consisting of:
 - low lying plants with a mature height of less than 0.9m.
 - trees of any height provided there is a clear trunk height of 1.8m.
 - grass lawn.
- c) Landscaping provided forward of the main building line is to contribute positively to the streetscape.

Landscaped areas are to be prepared and planted prior to the issue of an occupation certificate for each stage of development.

STAGE 1

- 47 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*, for Stage 1A of the development. An accessible car parking space is to be provided as close as possible to one of the main customer entries of the Child Care Centre.

- 48 Internal driveway in accordance with approved plans**
A driveway is to be constructed from the property boundary to the proposed car space/s, prior to the occupation of Stage 1 of the development.
- 49 Car parking areas to be completed and signs to be provided**
The car parking areas are to be constructed in accordance with the approved plans. Signs are to be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.
- 50 Sealed driveway in accordance with Roads Act**
A sealed driveway is to be constructed from the edge of the road formation to the property boundary in accordance with the Roads Act consent, prior to the occupation of Stage 1 of the development.
- 51 Roadworks in accordance with Roads Act**
All works within the road reserve must be constructed in accordance with the Roads Act consent, prior to occupation of Stage 1 of the development. The following requirements are applicable:
- a) Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council.
 - b) All on-site parking areas, access-ways and driveways are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development.
 - c) From the existing kerb & gutter in Austral Street to the northern property boundary, place turf behind new kerb & gutter and establish a grass covering to prevent erosion.
- 52 Screen fencing**
Solid screen fencing to a minimum height of 1.8m is to be provided along the side and rear boundaries of the property, behind the front building line.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

STAGES 1 & 2

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

Tenants and customers of the development must have unrestricted access to the car parking spaces on a daily basis during business hours of the development.

No car parking spaces are to be reserved (generally or specifically) for any tenant or customer.

On-street car parking spaces must be made available for general public use and not specifically reserved for the use of the Child Care Centre.

The minimum number of parking spaces on site shall be in accordance with the following:

- a) For Stage 1 of the development, a minimum of 6 sealed on-site parking spaces plus an on-site pick-up/set-down area must be provided and maintained.**
- b) For Stage 2 of the development, minimum of 8 sealed on-site parking spaces plus an on-site pick-up/set-down area must be provided and maintained.**

54 Noise Limits

The LA10 level emitted from the premises shall not exceed the background noise level in any Octave Band Centre frequency (31.5 Hz – 8 KHz inclusive) by more than 5 Db between 7 am and 12 midnight at the boundary of any affected residence.

If noise levels fail to meet levels as set by the Industrial Noise Policy and ORLGA levels, then appropriately designed acoustic treatments or engineering noise controls to equipment shall be implemented to ensure compliance with the relevant guidelines.

All mechanical equipment is to be adequately soundproofed so as not to create an offensive noise nuisance in terms of the *Protection of the Environmental Operations Act 1998* and regulations.

55 Noise Management

All reasonable means of managing the children is to be employed so as to minimise adverse impacts on the amenity of the area associated with noise.

56 Site Maintenance

The site is to be maintained in a clean and tidy manner at all times.

57 Restricted hours of operation for Child Care Centre

The hours of operation of the Child Care Centre are restricted to 8 am to 5 pm, Monday to Saturday. Outdoor playgroups are to be generally conducted between 10am and 12 midday. Any alteration to these hours of operation will require the further consent of Council.

58 Restrictions on use of Child Care Centre

The number of staff and children to be at the premises at any one time is restricted to the following:

- a) Stage 1: 10 staff and a minimum of 6 children and a maximum of 25 children.**
- b) Stage 2: 12 staff and a minimum of 6 children and a maximum of 25 children.**

The child care centre is not to provide residential care for any of the children.

All children attending the Child Care Centre are to be under 6 years of age.

This consent permits for three (3) two-hour play group sessions per week. Separate approval will be required to increase the use of premises for such purposes.

- 59 The plans for the required Construction Certificate are to include provision for flood free storage equivalent to 20% of the ground floor area (or as agreed to by Council). The nominated means of flood-proofing shall be certified by a Structural Engineer.**

ADVICE

The *Environmental Planning and Assessment Act 1979* requires you to:

- 1 Obtain a *Construction Certificate* prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier must obtain Council's approval to certain conditions of this development consent, where indicated before issuing the Construction Certificate.**
- 2 Nominate a *Principal Certifying Authority (PCA)*, which may be either Council or an accredited certifier and notify Council of that appointment. You cannot lawfully commence works without complying with requirement.**
- 3 Give Council at least two days of your intention to commence the erection of a building before commencing construction works. You cannot lawfully commence works without complying with this requirement.**
- 4 Obtain an *Occupation Certificate* before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.**

STAGE 1

Certificate of Compliance

A Certificate of Compliance shall be issued when all contributions are paid and all infrastructure necessary to service the development has been completed in full.

Contributions set out in the following table shall be paid to Council prior to the issue of a Certificate of Compliance for Stage 1 of the development. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water 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	0.78 ET	\$8,658	\$6,753	30 June 2012
Sewer	1.92 ET	\$7,304	\$14,024	30 June 2012
TOTAL			\$20,777	

STAGE 2

Certificate of Compliance

A Certificate of Compliance shall be issued when all contributions are paid and all infrastructure necessary to service the development has been completed in full.

Contributions set out in the following table shall be paid to Council prior to the issue of a Certificate of Compliance for Stage 2 of the development. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water 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	1.58 ET	\$8,658	\$13,680	30 June 2012
Sewer	3.12 ET	\$7,304	\$22,788	30 June 2012
TOTAL			\$36,468	

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this Notice.

You are further advised that pursuant to Section 82A of the *Environmental Planning and Assessment Act, 1979*, a request may be made to review a determination at any time within 12 months of the date of notification. This right of review does not apply in respect to designated development, integrated development or an application by the Crown.

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

An Amendment was **MOVED:**

*Moved: Cl. Green
Seconded: Cl. Saul*

That this matter be listed for works inspection.

The **AMENDMENT** was **PUT** to the Meeting and was **LOST**.

2012. 26 The **MOTION** was **PUT** to the **MEETING** and was **CARRIED**.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

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

GOAL 1: To Facilitate Ecological and Economical Sustainable Development in the Shire

**1.1 Draft Development Control Plan – Industrial Lands and Service Centre Site (Farrawell’s land) South Kempsey
File: T5-81 LA6183 & 6186 {Folio No. 469441}**

1211	RBP
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SUMMARY

Reporting that the Draft Development Control Plan – Industrial Lands and Service Centre Site, South Kempsey (DCP-SK) has been exhibited and is submitted to Council for endorsement.

2012. 39 RESOLVED:

***Moved: Cl. Sproule
Seconded: Cl. Green***

That the Draft Development Control Plan – South Kempsey be adopted.

A Division resulted in the following votes.

**F = Voted For
A = Voted Against**

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

**1.2 Planning Proposal for Residential Rezoning
File: T5-116 {Folio No. 469442}**

1211	RBP
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SUMMARY

Reporting that the Department of Planning and Infrastructure (DoPI) has refused to permit a Planning Proposal to proceed to rezone land from 1(d) (Rural(Investigation) "D" Zone) to 2(a) (Residential "A" Zone), 7(a) (Wetlands Protection Zone) and to 7(b) (Environmental Protection (Habitat) Zone).

Applicant: Wells Environmental Services – Gary Freeland
Subject Property: Lot 10 DP754396 Gilbert Cory Street,
South West Rocks
Zone: 2(a) (Residential "A" Zone)

2012. 40 RESOLVED:

***Moved: Cl. Green
Seconded: Cl. Snowsill***

That Council request the Department of Planning and Infrastructure to review the Gateway Determination for proposed rezoning of Lot 10 DP754396 Gilbert Cory Street, South West Rocks, for the reasons detailed in this report.

A Division resulted in the following votes.

**F = Voted For
A = Voted Against**

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

**1.3 Demolition of the Existing Dwelling and Construction of a New Two Storey Dwelling
File: T6-11-296 {Folio No. 469445}**

SUMMARY

Reporting that Council has received an application for a two storey dwelling for which an objection has been received.

REPORT DETAILS

Applicant: Ros Short
 Subject Property: Lot 325 DP754441 No 2 Dulconghi Street
 Crescent Head
 Zone: 2 (a) (Residential "A" Zone)

Proposed Development

The site contains an existing two storey dwelling situated on the eastern side of Dulconghi Street. The front boundary width is 20.1 metres with a site area of 613.2m². The land is very steep and falls to the north 9.1 metres over a distance of approximately 30.5 metres, i.e. a slope of 30% [\(Appendix A - Page SE1\)](#).

At its meeting of 6 December 2006, Council resolved to approve alterations and additions to an existing building. As a consequence of engineering investigations the existing footings were found to be structurally unsuitable due to the footing depths and the difficulty in placement of the sub-soil drains, which could result in structural failure if the additional dead and live loads were applied to the existing footings. A new application was submitted which includes demolition of the existing dwelling and erection of a dwelling identical to that previously approved.

2012. 41 RESOLVED: ***Moved: Cl. Bowell***
Seconded: Cl. Green

A That Development Application T6-11-296 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
DA-00 to 20	A	Bleu Design	26 November 2011
Bushfire Assessment Report	-	Mid Coast Building and Environmental Consultants	February 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 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).
- b) To the erection of a temporary building.

3 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.
 - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- b) In the case of work to be done by an owner-builder:
 - i) The name of the owner-builder.
 - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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.

- 4 Previous development consent to be surrendered**
Development Consent No T6-06-74 granted on 15 December 2006 is to be surrendered. This must be in the form of a written memorandum to Council from the owner of the subject property, in accordance with Clause 97 of the Environmental Planning and Assessment Regulation, 2000.

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

- 5 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 & 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.

- 6 Plans of retaining walls and drainage**
The application for a Construction Certificate is to include plans and specifications that indicate retaining walls or other approved methods of preventing movement of the soil, where any excavation or filled area has been approved via this development consent to exceed 600mm in height. Adequate provision must be made for drainage in the design of the structures.

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

- 7 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.

- 8 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. This application is to include the installation of the proposed rainwater tank and any associated plumbing.
- 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 Construction of buildings in bushfire-prone areas - further details required**
The application for a Construction Certificate is to include details indicating the construction of the building to Level BAL 29 construction as defined in AS 3959-2009- *Construction of buildings in bushfire-prone areas*. In addition, the plans must include the following:
- a) Window protection.
 - b) Subfloor space enclosure.
 - c) Fire-retardant/treated timber species to be used.
 - d) Vents and weepholes protection.

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

- 11 Building materials and colours to be specified**
The application for a Construction Certificate is to include a schedule of finishes including the fence 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 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
 - 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.

- 12 Detail of pool fence required**
The application for a Construction Certificate is to include plans and specifications that indicate the details of the fence around the swimming pool in accordance with the *Swimming Pools Act 1992* and AS1926.1.
- Such plans and specifications must be approved as part of the Construction.
- 13 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 \$20 million. Council is to be nominated as an interested party on the policy.
- 14 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.
- 15 Excavated Material**
Details are to be submitted to Council for approval for the disposal of the excavated material prior to the release of the Construction Certificate.
- 16 Haulage Route**
The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material and submit details to Council prior to release of the Construction Certificate.
- 17 Pre-treatment storm water disposal**
Submit engineering details of the pre-treatment storm water disposal system prior to issue of the Construction Certificate.
- 18 Landscape Plan**
Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 19 Structural Certification for Design - BCA (Class 1 to 10)**
Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Part 1.2 (a)(iii) of the Building Code of Australia (applicable to class 1 – 10 building) must be submitted to the satisfaction of Council (Where Council is the Certifying Authority).

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

20 Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$10 million, is to be maintained for the duration of the construction of the development. Council is to be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

21 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.

22 Residential building work

Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority:

a) In the case of work to be done by a licensee under that Act:

- i) Has been informed in writing of the licensee's name and contractor licence number
- ii) Is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or

b) In the case of work to be done by any other person:

- i) Has been informed in writing of the licensee's name and contractor licence number.
- ii) Has been informed in writing of the person's name and owner-builder permit number.
- iii) Has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b) (iii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was gazetted that amount was \$5,000. As those regulations are amended from time to time, so that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a

person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

- 23 Erosion and sediment measures in accordance with the approved Erosion and Sediment Control Plan**
Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

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.

- 24 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.

- 25 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

- 26 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).
- 27 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.
 - 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.
- 28 Responsibilities under the National Parks and Wildlife Act 1974**
All earthmoving contractors and operators must be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the National Parks and Wildlife Act 1974, as amended.
- 29 Design engineer**
The Design Engineer must supervise the excavation works.
- 30 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.
- 31 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.

- 32 Temporary pool fencing required**
Temporary fencing is to be installed around the pool site during its construction to prevent entry by children. Such temporary fencing is to remain in place until permanent fencing is erected.
- 33 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.
- 34 Maintenance of sediment and erosion control measures in accordance with approved plan**
Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control Plan must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.
- 35 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
 - 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 seven days of completion of earthworks. Topsoil must be preserved for site revegetation.
- 36 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.
- 37 Removal of asbestos**
All asbestos wastes associated with demolition/renovation works are to be disposed of in accordance with the requirements of the Work cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Council requires 48 hours notice prior to disposal at Council's waste depot.
- 38 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.

39 Support for neighbouring buildings

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a) Must preserve and protect the adjoining building from damage.**
- b) If necessary, must underpin and support the building in an approved manner.**
- c) Must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.**

The owner of the adjoining allotment of land, public road or any other public place is not to be held liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the public road, any other public place or the adjoining allotment of land.

40 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.

41 Water efficient devices required

Water efficient devices, with a AAA rating, must be installed throughout the building, including:

- a) Pressure limiting valves**
- b) Dual flush toilet systems**
- c) Water efficient shower nozzles.**

All new hot water systems are to have a minimum rating of 3.5 stars.

- 42 Approval is required prior to the filling of the pool**
Approval is required from Council's Authorised Officer prior to the filling of the pool from Council's water supply. The approval will restrict the filling of the swimming pool to no higher than 300mm below the pools skimmer box (to stabilise the pool structure). Further filling of the pool from the Council's water supply must not occur while level 5 or 6 water restrictions are in place.
- 43 Survey of building floor height required**
Survey Certificate is to be submitted upon completion of the garage floor slab to ensure that the finished floor height is at or below RL 38.01 metres A.H.D.
- 44 Survey of building height required**
Survey Certificate is to be submitted upon completion of the roof framing prior to covering to ensure that the ridge height is at or below RL 45.83 metres A.H.D. above the kitchen area.
- 45 Bushfire**
Construction shall comply with Mid Coast Planning for Bush Fire Report dated February 2012 AS3959-2009 (BAL 19 & 29) 'Construction of Buildings in bushfire prone areas'.

Roller doors, tilt-a-door and the like shall be sealed to prevent the entry of embers into the structure.

The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

Access to the rear of the property shall be providing for fire fighting purposes.

All fencing shall be constructed from non-combustible materials.

All glazing towards the bushfire hazard on the northern and eastern sides of the proposed structure shall be fire rated glass.

There is to be no exposed timber on the northern and eastern sides of the proposed structure.

A 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the full length of the northern and eastern boundaries adjacent to the hazard. A pedestrian access gate is to be along this boundary. Where steel cladding material is used; all posts and rails will be constructed from steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

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

- 46 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.

- 47 Site to be landscaped**
The site must be landscaped in accordance with the approved landscape plan.
- 48 Internal driveway in accordance approved plans**
A driveway is to be constructed from the property boundary to the proposed car space/s in accordance with the approved plans.
- 49 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.
- 50 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.
- 51 Inspection of water and drainage works required**
An inspection must be undertaken by the local water authority prior to the covering of the works specified below:
- a) Sanitary plumbing and drainage
 - b) Potable water supply plumbing
 - c) Completion of all plumbing and drainage works
 - d) Rainwater supply
 - e) Re-claimed water supply.

The local water supply authority requires a minimum of 24 hours notice to undertake the inspection. You will need to quote your Development Application number and property description to arrange your inspection.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

- 52 Pool safety**
The occupier of the premises must ensure that there is at all times a sign in the immediate vicinity of the swimming pool bearing the words 'Young children must be supervised when using this swimming pool'. The sign is to be in a prominent position and be otherwise in accordance with clause 9 of the Swimming Pools Regulation. Fences, gates, walls, etc. enclosing the general swimming pool area are to be maintained in good repair and condition at all times. Depth markers are to be installed 150 mm above the water line of the proposed swimming pool.
- 53 Swimming pool discharge**
The discharge of waste water from the swimming pool is to be in accordance with AS/NZS 3500.2.2, Section 10.9 & Figure 10.2.

- 54 Swimming pool pump location**
 The swimming pool filter pump is to be located such that noise from the operation of the pump is not more than 5dB(A) above the background noise level at the boundary. If necessary an acoustic enclosure must be provided around the pump to achieve the required noise attenuation. The pump is not to be used between the hours of 8.00 p.m. - 8.00 a.m. on any day if the noise of the pump is audible inside neighbouring houses.
- 55 Swimming pool health requirements**
 The swimming pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council's Senior Environmental Health Officer and the Health Department of New South Wales. The swimming pool water is to be maintained at satisfactory levels of purity for bathing at all times and operated in accordance with NSW Department of Health's *Public Swimming Pool and Spa Pool Guidelines 1996*.
- 56 Primary Setback**
 The proposed carport's concrete roof area within 5 metres of the primary setback to Dulconghi Street Crescent Head shall not be used as a habitable deck.
- 57 Road Reserve Vegetation**
 The vegetation on the road reserve facing 2 Dulconghi Street Crescent Head shall be protected from damage during construction of the dwelling.

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	Gribbin	F	Saul	F	Snowsill	F
Sproule	F	Walker	F								