

# DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

15<sup>th</sup> November 2005

<b>DSDS4</b>	<b>FOUR STOREY COMMERCIAL AND RESIDENTIAL BUILDING - 10 PRINCE OF WALES AVE, SOUTH WEST ROCKS</b> <b>FILE: T6-04-695 TJN</b>
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## SUMMARY:

Reporting that Council has received amended plans for a four (4) storey residential/commercial building for which objections have been received.

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**Applicant:** Ross Nicastri  
**Subject Property:** Lot 18 DP 3588  
10 Prince of Wales Avenue, South West Rocks  
**Zone:** 3(v) "Business (village) V"

## Description of Proposal

The proposal involves the demolition of an existing 1 storey structure, to be replaced by a 4 storey building containing floor level commercial, with carparking and basement storage areas. The 2<sup>nd</sup> and 3<sup>rd</sup> storeys contain 4 separate residential units.

## Heads of Consideration

The Heads of Consideration were addressed in the previous report, a copy of which is made available for Council's consideration.

[\(Appendix I\), Pt 2](#)

## History

The application was made to Council in December 2004. Following advertising and consultation, the matter was referred to Council on June 14<sup>th</sup> 2005 for determination. The matter was deferred pending the outcome of a Works Inspection, whereby Council resolved:-

*A That the applicant be advised that Council is prepared to consider supporting the variations to the number of storeys as defined by clause 25 of KLEP 1987, and height limit as defined by DCP 34, subject to the receipt of amended plans providing for reduced impacts of overshadowing of the adjoining units whilst optimising privacy.*

B That the applicant be further advised that: -

- a) *it will be necessary to submit details on how it is proposed to limit stormwater flows to predevelopment levels.*
- b) *pedestrian access to the residential units from Prince of Wales Avenue will be required to be separated from vehicular access to comply with the BCA;*
- c) *access to the retail floor area as proposed is impractical and will require modification;*
- d) *it will be necessary to modify vehicular access to demonstrate potential conflicts between pedestrians and cars leaving the site will be managed in a safe manner.*

#### **Part A of Resolution: Amended Plans**

Following Council's resolution, the applicant has submitted amended plans which essentially mirror reverses the previously proposed building. [\(Appendix J\)](#) This has allowed for increased setbacks to the balconies of Bronte Court with the open space for the proposal being located adjacent to Bronte Court.

A subsequent meeting was held between the applicants architect and Council officers in order to further minimise impacts on Bronte Court. The following additional changes were agreed upon: -

- Reduction in the area of the top floor balcony to minimize overshadowing;
- Removal of privacy louvres and the insertion of an angled piece of translucent glass that will lessen the sense of enclosure.

In addition, the height of the ceilings have been reduced by 500mm on the top two floors, further reducing the overall height of the building. It should also be noted that a large portion of the subject balcony on Bronte Court faces directly onto Prince of Wales Avenue and will be unaffected by overshadowing from the proposal.

The changes are considered to have reduced the impacts on the adjoining property, whilst still adhering to the design principles of SEPP 65, DCP 34 and consolidating the town centre of South West Rocks.

#### **Part B of Resolution: Other Modification of Plans**

- a) The applicant has provided a stormwater management plan which provides on site detention and treatment in line with Council's resolution and the requirements of SEPP 71.
- b) The pedestrian access has been separated from the vehicular access via a fire isolated passage.
- c) Access to the retail floor space has been amended to provide at grade access from the footpath.
- d) Mirrors and warning signs are to be placed at the driveway entrance. In addition to this, a speed hump has been placed on the driveway area which will act as a traffic calming device that will significantly lessen velocities within the block. It is envisaged that given the predicted low levels of traffic movement (due to the central location of the lot) and the short travel distance from the car park to the street, the conflicts between vehicular and pedestrian traffic has been significantly minimised.

### Advertising

The application was re-advertised in accordance with Council's Public Notification Policy with six (6) objections (including two (2) marked "confidential") [\(Appendix K\)](#) being received: -

Objection	Planning Comment
1 Object to the building being placed at nil setback. A rear open landscaped space is essential for light to reach existing and future buildings and stop shadows creating a cold concrete ghetto	1 It is usual for commercial zones to be developed with nil side setbacks. However, given the existing adjoining development, it is necessary to restrict the extent to which a nil setback is used. The applicant has provided setbacks to critical points on adjoining properties eg balconies.
2 The building will create an undesirable visual impression and ambience. This, and any future building, will confront overseas and local tourists and resident ratepayers	2 It is considered that the proposal reasonably addresses the "seaside village" design requirements of DCP 34.
3 The proposed balcony directly impacts on my privacy and amenity due to the location of the balconies and windows	3 The applicant has proposed to erect privacy screens and setback the balconies to minimize any adverse privacy impacts.

		It is considered that in a higher density living situation such as this, it is not reasonable to expect complete privacy to be achieved, with some loss of amenity inevitable.
4	The proposed development by no stretch of the imagination enhances the streetscape	4 The proposal is considered a reasonable design for the streetscape.
5	The proposed development has insufficient on site parking exacerbating the chronic parking space shortage within the South West Rocks village commercial area.	5 See "Parking"
6	The proposed revised development has employed the use of a privacy screen to grant a degree of privacy from balcony to balcony. It does not address the loss of privacy caused by the windows of the development facing directly onto the windows and side balconies, living area, bedroom and bathroom areas on the first and second floor.	6 There are no side facing windows within the development.
7	The plans for the proposed development demonstrate that no allowances for the criteria outlined within DCP 34 have been incorporated or considered.	7 The applicant has submitted a comprehensive DCP 34 assessment with the proposal. This has been addressed in the original report. <a href="#">(Appendix I)</a>
	The development in fact demolishes a traditional cottage and replaces it with a concrete block.	It is considered that all the design aspects of DCP 34 have been addressed.  There is no existing or proposed heritage listing on the cottage.
8	The development exceeds the 9 metre height limit as	8 The proposed maximum height is about 11 metres,

defined by DCP 34.

however it will appear as an 8.5m 3 storey building when viewed from Prince of Wales Avenue. The 11 m height is reached towards the rear as the land slopes down from the street.

Council previously resolved to support the variation to DCP 34 relating to the height of the building which has actually been reduced by a further 500 mm.

9 Shadow diagrams demonstrate that this development exceeds overshadowing requirements and places my property in complete shadow.

9 Shadow angle diagrams indicate that only the areas of balcony directly facing the proposal are effected by overshadowing.

It is considered that the degree of overshadowing caused by the proposal is acceptable given the surrounding built environment. It is also considered that all reasonable steps to reduce overshadowing have been taken in accordance with Council's previous resolution.

10 There is a complete lack of privacy afforded to adjoining owners.

10 See "Part A of Resolution – Amended Plans".

11 Visual privacy for units in Bronte Court is non-existent. The proposed privacy screens do not address the privacy and amenity issues.

11 See planning comments 2 and 3

It is clear that windows in the proposed development will make visual privacy non-existent.

12 Would rather see balcony on balcony design on the boundaries.

12 By designing the building with balconies facing Bronte Court is considered poor design and would create even more privacy issues.

The alignment of the

eastern wall and porches should be in line with the Bronte Court eastern wall and porches

DCP 34 encourages buildings to have outdoor spaces at the front and rear of the block rather than at the side.

By placing balconies at the side Council will also be creating the same problem as exists now if the Bronte Court site is redeveloped.

## **Parking**

Council's Parking Code requires 1 space for each of the dwellings plus 1 visitor space, and 1 space per 35m<sup>2</sup> of floor area for the shop and storage area (100m<sup>2</sup> = 2.85 spaces), giving total parking requirement of 7.85 (8) spaces. The existing development (house) has an existing deficiency of 1 parking space, resulting in an increased parking demand for 6.85 spaces. The development proposes to provide 4 off-street parking spaces leaving a deficiency of 2.85 (3) spaces. Consent is conditional upon payment for a contribution for 2.85 (3) spaces in accordance with Off Street Car Parking Contributions Plan.

## **Conclusion**

Finding a balance between the requirements of DCP 22, DCP 34 and the urban design qualities as outlined within SEPP 65 are inherently difficult given the site constraints posed by the balconies on Bronte Court. The south west corner of the block has been carefully designed to afford some level of privacy and sunlight to the adjoining land holders, without adversely affecting the streetscape.

Given the changes made through the development assessment process, it is considered that attempts have been made to limit potential privacy and solar access issues, keeping in mind that the high density nature of the site means that any development that occurs will have some degree of adverse privacy impacts upon adjoining residences. DCP 34 encourages consolidation and redevelopment of the town centre which the applicant has attempted to undertake on what is a difficult site.

It is considered that the amended plans meet the concerns expressed by Council's previous resolution and approval is recommended.

## ***REPORT IMPLICATIONS:***

- ***Environmental***

***As part of the approval the applicant will be required to treat stormwater that enters the carpark prior to discharge***

*from the site. Aside from this there are no adverse environmental issues resulting from the proposal.*

- *Social*

*It is considered that the final design of the proposal reaches a balance between maximising the development potential of the site whilst minimising social impacts upon the adjacent units.*

- *Economic (Financial)*

*The proposal is expected to bring an economic benefit for the period of construction. In addition to this, retail space is being provided which will consolidate the centre of South West Rocks.*

- *Policy or Statutory*

*The proposal has adequately addressed the requirements of SEPP 65, SEPP 71, DCP 22 and DCP 34. Additionally the proposal requires the resolution of Council to support the SEPP 1 objection for the variation to the number of storeys in the building.*

## **RECOMMENDATION**

**A** That Council resolve to support the SEPP 1 objection to vary clause 25 of Kempsey Local Environmental Plan 1987, to allow a four storey development.

**B** That the application be approved subject to the following conditions:

### **Demolition**

**1** Before the commencement of site works, demolition or building, the following activities must be completed:

- (a) Installation of soil erosion and sedimentation control devices.
- (b) Installation of safety fencing/hoardings between the property and the street
- (c) Protection barriers for existing trees
- (d) Installation of builder's toilets
- (e) Installation of signage in prominent, visible position including:

- "Unauthorised site entry is prohibited"
- Name and phone number of builder or other responsible person for contact outside working hours.

**2 The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.**

**Inspections required:**

- (a) Pre Commencement inspection**
- (b) Final inspection**

**3 All demolition waste is to be disposed of to Council's Waste Transfer Station.**

**4 All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority and the requirements of the Environmental Protection Authority.**

**5 The existing structure is to be removed and a Construction Certificate obtained prior to commencement of new works.**

**6 The hours of construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.**

**7 All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.**

**8 Building materials are not to be stored within the road reserve or any other public place.**

**9 Excavated material from the site is not to be placed within the road reserve or any other public place.**

**10 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.**

**11 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.**

**12 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:**

- (a) preserve and protect such building from damage; and**
- (b) if necessary, underpin and support the building in an approved manner.**

**Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).**

**13 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council, prior to commencement of site works.**

**A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.**

**14 Demolition shall be carried out in a safe manner without danger to the public.**

**15 Prior to demolition commencing, the person causing the demolition to be carried out shall give written notice of intention to the owners of any adjoining allotment of land seven (7) days prior to commencement of demolition works.**

**16 The demolition process and associated temporary structures are not to interfere with the day to day running of adjacent business, car parking areas, and pedestrian access.**

**17 Prior to demolition commencing a standard layback and kerb crossing is to be provided at the front of the subject lot. Details are to be provided to Council prior to demolition commencing.**

**18 A Traffic Control Plan prepared by a suitably qualified person is to be submitted to Council for consideration prior to commencement of works. This is to address how it is proposed to carry out demolition works whilst maintaining**

- 19 Provision of a security deposit to Council totalling \$1500.00 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the commencement of demolition and will not be released until after completion of construction.
- 20 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- (a) Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
  - (b) Swinging or hoisting goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
  - (c) Carrying out an activity prescribed by the regulations under the Local Government Act 1993 or an activity of a class or description so prescribed.

### Construction

- 21 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 22 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 23 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
- 24 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.

- 25 The new three storey commercial and residential building is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.**

**An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.**

- 26 Two days prior to commencing work a Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**

- 27 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.**

- 28 Prior to any civil works commencing onsite, the applicant is to advise Council in writing of the following:**

**1 Supervision is to be undertaken in accordance with the attached schedule "Construction Guidelines" - Section 4.2.3 Part 3.**

**2 The identity and qualification of the nominated contractor and/or sub-contractors to undertake the civil works associated with the subdivision/development.**

**3 A copy of the nominated contractor and/or sub-contractor's Certificate of Currency for Public Liability Insurance cover shall be forwarded to Council. The public liability cover shall be equal to but not less than \$5 million dollars and indemnify Kempsey Shire Council against loss.**

**4 Roadbase gravel to be used onsite shall conform to ARRB Report No 41, Section 5. A written report is to be forwarded to Council from a registered Geotechnical Engineer certifying that the roadbase**

material is suitable for the intended use prior to utilising onsite.

- 29 Before the commencement of site works, demolition or building, the following activities must be completed:
- a Installation of soil erosion and sedimentation control devices.
  - b Installation of safety fencing/hoardings between the property and the street
  - c Protection barriers for existing trees
  - d Installation of builder's toilets
  - e Installation of signage in prominent, visible position including -
    - "Unauthorised site entry is prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours.
- 30 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.
- Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.
- 31 If "public entertainment" is to be or is conducted in the building or part thereof, a separate application is required to be lodged with Council's Environmental Services Department for the necessary authorisation.
- 32 A Complying Development Certificate is to be obtained for all advertising structures prior to their placement. Where proposed signs do not comply with DCP No 25 – Advertising Signs, prior to development consent will be required.
- 33 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- (a) Installing a temporary structure on land.
  - (b) Carrying out water supply work.

- (c) Installing, altering, disconnecting or removing a meter connected to a service pipe.
- (d) Carrying out sewerage work.
- (e) Carrying out stormwater drainage work.
- (f) Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
- (g) Swinging or hoisting goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
- (h) Carrying out an activity prescribed by the regulations under the Local Government Act 1993 or an activity of a class or description so prescribed.

**34 Compliance with the Building Code of Australia**

All building work shall be carried out in accordance with the requirements of the (BCA). A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA

**35** Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.

**36** All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.

**37** If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:

- (a) preserve and protect such building from damage; and
- (b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

- 38 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.
- 39 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 40 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
- 41 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

- 42 Submission of a Schedule of Finishes with the plans for the required Construction Certificate indicating the colour and type of all finished surfaces.
- 43 The following survey certificates must be given to Council at the following stages:-
- On completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries and compliance with the floor height. Levels shall relate to the datum shown on the consent.
- 44 A Survey Report is to be submitted on completion of the slab to ensure the location of the building is in accordance with the approval issued.
- 45 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided with the application.
- 46 The building has been assessed by council under the provisions of the Building Code of Australia as a Class 2,6 and 7a building having a rise of 3 storeys. The building is required to be constructed in Type A fire resistance

construction. It is the builders responsibility to ensure that all building elements have the minimum fire resistance level specified in Specification C1.1 Table 3 of the Building Code of Australia.

- 47 Every part of the building must be constructed in a proper and workman like manner to achieve the required level of performance, using materials that are not faulty or unsuitable for the purpose for which they are used.
- 48 Structural Engineer's Details for footings, reinforced concrete slab, reinforced concrete stairwell, retaining walls and structural steel works is to be submitted prior to any work commencing on the building.
- 49 Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 50 The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 51 Building materials are not to be stored within the road reserve or any other public place.
- 52 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 53 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Council's Sustainable Development Services Department for requirements before commencing construction.
- 54 Provision of a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways prior to occupation of the premises. Details are to be provided with the plans for the Construction Certificate.
- 55 Roofwaters are to be connected to the existing stormwater disposal system.

- 56 Structural Engineer's Details and Certificate are to be submitted for the footings, certifying that the design has taken into account the effect on the structure, should excavation of the sewer line be necessary, prior to the release of the Construction Certificate.
- 57 Where the disposal of stormwater involves the provision of drains across land owned by others, drainage easements to Council Standards will be required for which documentary evidence shall be provided prior to the issuing of any Construction Certificate.
- 58 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
  - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
  - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

Protection of any kerb inlet pit located downstream of the site in accordance with Council's Engineering Guidelines for Subdivision and Development (Drawing No SW20).

Note:

- i. Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
  - ii. Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 59 Construction of the footings of the building in the vicinity of Council's stormwater drain to be located outside the zone of influence or alternatively concrete encased strictly in

accordance with Council's Engineering Guidelines for Subdivision and Development.

- 60 Construction of the footings of the building in the vicinity of Council's sewer drain to be located outside the zone of influence or alternatively concrete encased strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.
- 61 Detailed engineering plans providing for construction of the footings of the building in the vicinity of Council's stormwater drain have been designed in strict compliance with Council's Engineering Guidelines for Subdivision and Development.
- 62 Drawing which demonstrate compliance with AS 2890.1:2004 must be prepared and certified for the relevant car parking aspects of the development (including facilities, driveways, site access/egress, vehicle movement, structural profiles and clearances) must be certified prior to issue of the construction certificate.
- 63 All roofwater and stormwater runoff from all paved areas within the allotment boundaries are to be collected, directed and conveyed off site in accordance with the submitted stormwater management plan designed for a 1 in 10 year storm recurrence interval and connected via an industry recognized outlet arrangement to the existing public stormwater drainage receival and disposal system.
- 64 Detailed construction drawings and specification for the entire stormwater management system which demonstrates compliance with the latest versions of Australian Rainfall and Runoff, Stormwater Industry Associated Guidelines, proprietary product manufacturers specifications and relevant Australian Standards must be prepared for relevant aspects of the system (including materials, installation, bedding, backfilling, compaction and quality testing) prior to the issue of the construction certificate.
- 65 In relation to the management of seepage, leakage, drainage and any other waters entering the subterranean basement level of the development an industry recognised, detailed scheme of arrangement must be prepared, certified and submitted to Council for its

approval prior to the issue of the Construction Certificate.

- 66 The plans for the required construction certificate are to include provisions of a sump or other means suitable to prevent flooding on the event of water entering the basement in excess of 300mm in depth in accordance with Australian Rainfall and Runoff without reliance on mechanical pumping. Such plans are to include the means of draining the basement in such an event.
- 67 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Construction Certificate.

You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-

- a Payment of a contribution towards district water supply at the rate of \$1,256 per equivalent tenement, i.e  $\$1,256 \times 2.37 \text{ E.T} = \$2,977$ . (Indexed 2005/2006)
  - b Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$3,143 per equivalent tenement, i.e  $\$3,143 \times 2.37 \text{ E.T} = \$7,449$ . (Indexed 2005/2006)
  - c Provision of separate sewer junctions, with a maximum of two connections per junction to the existing sewer main.
  - d Details of separate water meter for watering service to be included prior to the release of the construction certificate.
- 68 The applicant is to pay a contribution towards the outdoor recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$1,953 per additional dwelling unit, i.e  $\$1,953 \times 2.32 \text{ E.T} = \$4,531$ . (Indexed 2005/2006)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

- 69 Payment of a cash contribution in lieu of the provision of on-site carparking in accordance with Council's Section 94 Plan for off street car parking at the rate applicable at the time of payment (Currently \$13,297 per space), based on 2.85 parking spaces, prior to release of the Construction Certificate ie.  $\$13,297 \times 2.85 = \$37,896.45$ .

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

- 70 Payment of a cash contribution prior to the issuing of the required Construction Certificate towards Council's trunk drainage system in accordance with Council's Section 94 Plan for Stormwater Drainage at the rate of \$3,816.50. (Indexed 2004/2005).

The Plan may be inspected at Council's offices, Cnr Elbow and Tozer Streets, West Kempsey.

- 71 Security lighting to be provided in the car park, between the units and in the internal void areas. Lighting is designed and directed to minimize impacting upon adjoining residences.

- 72 A plan of management for the building site is to be submitted to Council prior to release of the Construction Certificate. This is to include, but not limited to, the following information:-

- (a) A traffic control plan detailing how it is proposed to undertake works whilst minimising interruptions to the traffic flow along Prince of Wales Avenue.
- (b) Details on how it is proposed to maintain safe pedestrian access whilst works are being undertaken.
- (c) Details of how construction is to be undertaken given that there is only one access point to the site.
- (d) Details on how works is to be undertaken in compliance with the Industrial Noise

**Policy and the Protection of the Environment Operations Act.**

**73 The plans prepared for the required Construction Certificate are to be accompanied by the following:-**

**Information to be submitted with the Construction Certificate**

- 1) Provide two specifications for the class 2,6 and 7a building detailing the appropriate clauses of the Building Code of Australia and relevant Australian Standards for the works to be constructed.**
  
- 2) The applicants consultants with the appropriate engineering discipline are to provide BCA certified plans and specifications for the following:**
  - Mechanical exhaust ventilation systems for the internal laundries, ensuites and car park complying with Section F4.5 and 4.11 of the BCA and AS 1668.1 and 2**
  - The fire hydrants complying with Section E Clause E1.3 of the BCA and AS 2419 Part 1-1994**
  - The fire hose reels complying with E1.4 of the BCA and AS 2441-1998**
  - Portable free extinguishers complying with Section E1.6 of the BCA and AS 2444-1995.**
  - Smoke Hazard Management System complying with Specification E 2.2a of the BCA**
  - Emergency Evacuation lighting complying with Section E and AS/NZS 2293 Part 1 – 1998**
  - The installation of plumbing and drainage complying with AS 3500 1,2,3 and 4 and the NSW Code of Practice: Plumbing and drainage**
  - Provide from Macleay Water the pressure and flow rates available from the water main servicing the proposed building.**
  
- 3) Submit amended architectural drawings indicating the following:**

- The location of tactile indicators complying with Part D Clause D3.7 and AS 1428 Part 4 – 1992
- The fire resistance level for each building element complying with Section C Specification C1.1 Clause 3.1 and Table 3.1 of the BCA
- Provide sound transmission and insulation levels achieved for the building elements proposed
- Provide protection to openings required to be protected in accordance with Specification C1.1 Clause 2.1 and Section C Clause 3.2 of the BCA
- Skylights complying with Specification C1.1 Clause 3.6 (a) (b) (i) (ii) (iii) (iv) (c)
- The terrace areas complying with Section C Specification C1.1 Clause 3.1 and Table 3.1 of the BCA
- Amendments required by NSW Accredited Level 1 Fire Safety Engineer for alternate solutions to be provided to the proposed building
- Store room floor area and staircase construction
- Disabled access and construction and car park location complying with AS 1428.1.2001
- Indicate location of main switch board room
- Indicate the shop, and car park swing door and roller door openings protected in accordance with Section C Clause C3.3
- The location and method of penetration protection of walls, floors and ceilings by services complying with Specification C3.15
- Reduction in the area of the balconies as indicated in red on the approved development plans
- Traffic calming devices to be included within the driveway to decrease traffic velocity into and out of the subject lot.

74 Submission of details demonstrating that vehicles exiting the site will have unobstructed vision of pedestrians using Prince of Wales Avenue prior to a standard vehicle protruding onto the footway.

- 75 The footpath at the Prince of Wales Avenue frontage is to be replaced with a composed aggregated type. Details are to be submitted prior to release of the Construction Certificate.
- 76 The car spaces are to be clearly labelled "Resident Car Parking Only"
- 77 Car parking and security lighting must not cast beyond the property boundary by more than 8 lux as measured 0.5 metres outside the property boundary.

#### **ADVICE**

- 78 Submit alternate solution for the following non-compliance with the BCA from a NSW Accredited Level 1 Fire Safety Engineer:
- Fire engineering design brief is to be formulated in consultation with Council.
  - Excessive travel distance from car park area to an open space.
  - Fire isolated staircase required, as concession D1.3 is only applicable to a class 2 building.
  - Required fire rating for shop wall adjacent path of travel from units.
  - Terrace construction as proposed.
  - Skylights as proposed.
  - Protection of openings as proposed.