



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

13 March 2007

**DSDS3 SUBDIVISION OF 35 RESIDENTIAL LOTS LOT512
DP1097873 NO.121 KEMP STREET, KEMPSEY
FILE: T6-06-434 AJC {Folio No. *}**

SUMMARY:

Reporting to Council on an application to subdivide Lot 512 DP 1097873 into (36) residential allotments which requires a variation to Council's Flood Risk Management Policy.

◆◆◆◆◆

Applicant: Arakoon Homes Pty Ltd & Gowings Kempsey Pty Ltd
Subject Property: Lot 512 DP 1097873 No. 121 Kemp Street Kempsey
Zone: 2(a) Residential A Zone

DESCRIPTION:

Proposal

The proposal is to create 36 residential allotments from one existing allotment at 121 Kemp Street, West Kempsey. ([Appendix M – Page G27](#))

Evaluation

The proposal has been examined having regard for the Heads of Consideration identified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 with the following matters considered to be relevant in relation to this application.

Flooding

The 1 in 100 Flood Level adopted as the Flood Standard for this site is 7.8m on Australian Height Datum (AHD).

Proposed lots 2 to 9 are flood liable and will need to be filled to a maximum depth of 1.3 metres.

Part of the property is currently designated floodway and affects proposed lots 5 to 11 inclusive. A plan showing the extent of flood liable land and the designated floodway portion of the subject allotments are attached to this report as ([Appendix N – Page G28](#)).

Section 6.3.5 Urban Subdivisions of Council's Flood Risk Management Policy requires that the maximum depth of filling to be employed is not to exceed 1 metre in depth. The proposal seeks to vary this standard over proposed lots 2 to 9 inclusive to fill to a maximum depth of 1.3 metres.

Further, the applicant seeks to have the Floodway status of part of the subject land parcel revoked.

Applicants Submission

The applicant's Water and Environmental Engineer has submitted a Review of Flood Behaviour Assessment in support of allowing a marginal increase in the depth of filling from a maximum of 1 metre to 1.3 metres and revoking of the floodway status within the subject land parcel to be developed. A full copy of that assessment is attached to this report as [\(Appendix Q – Page G29\)](#).

Flooding from the 1 in 100 year event from the Macleay River affects an area of approximately 2,620m² of proposed lots 2 to 9. This area is proposed to be filled. The depth of the fill will range from 1 to 1.3m deep over approximately 333m² and 0-1m over the balance of the flood affected area. The points contained in the Review of Flood Behaviour Assessment supporting the applicants position to allow *Section 6.3.5 Urban Subdivisions* of Councils Flood Risk Management Policy to be varied in this instance only follow: -

- a) *Although some of the flood storage for West Kempsey will be removed the loss is to be considered very small relative to the existing available volume.*
- b) *The cumulative affect of filling of all the marginal land within the natural depression, where the flood depth is >1metre is likely to be insignificant.*
- c) *Filling of part of the subject site will not result in adverse impacts on flood behaviour.*

The Consultant has concluded that 121 Kemp Street, West Kempsey should not be classified as floodway but is flood liable.

The subject land parcel should not be located in part floodway because the site is protected by the railway embankment from the high velocity flow path within the floodway east of the railway line for the 1 in 100 year event and the existing natural depression located 200 metres to the north of this site is unlikely to experience high velocity flows owing to backwater flooding being the nature of flooding in the immediate area.

Further, the flooding review considered the impact of the new Kempsey Flood Study and stated, *"a qualitative review of the more recent modelling results was undertaken to ensure that the conclusions drawn are still valid"*.

Planning Comment

The proposal to vary *Section 6.3.5 Urban Subdivisions* of Councils Flood Risk Management Policy in respect to filling depth could be considered to be supported by Council for the following reasons: -

- i) That part of the subject land parcel affected by flooding during a 1 in 100 year event is approximately only 2620m² or less than 0.5% of the total area of the local catchment affected by flooding. There are no other land parcels currently zoned 2(a) residential in this local catchment where filling to create proposed allotments will be required. Therefore there will be no cumulative effects due to development pressures in this local catchment area.
- ii) The subject property is protected from direct contact with the existing floodway to the east of the north coast railway line by the railway line embankment and thereby protected from high velocity flow.
- iii) This local catchment is affected by backwater flooding from the Macleay River during the 1 in 100 year flood event and is not subject to high velocity conditions.

The applicant's contention that the subject property is not located in a floodway could be supported by Council for the following reasons: -

- i) The additional survey data supplied with the application for subdivision clearly shows the extent of flooding during the 1 in 100 year event from the Macleay River to RL 7.8m AHD ([Appendix N – Page G28](#)). Flooding could only affect part proposed lot 6, 7, 8 9 and 10 covering a total area of approximately only 750m², representing less than 30% of the total land affected by flooding at this site.
- ii) The existing *North Coast Railway Embankment* acts to protect this land parcel against high velocity flows from the main Floodway located east of the North Coast Railway Line. The main railway culvert which drains this local catchment and which the 1 in 100 year flood water will enter is located 200metres to the north of the subject land parcel. The combination of the significant embankment and distance from the area where flood waters enter this local catchment create a backwater which is characterised by insignificant velocity in the flow.
- iii) The definition of "Floodway areas" as contained in the NSW Floodplain Development manual 2005 is as follows: -

"Those areas of the floodplain where significant discharge of the water occurs during floods. They often align with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or significant increase in flood levels."

The existing area on the proposed development site shown to be floodway has the following characteristics: -

- The naturally defined channel is located 200metres to the north of the proposed development site;
- There are no continuous flow volumes occurring during the 1 in 100 year flood which originates from the Macleay River. This local catchment area acts as a flood storage area with the only flows occurring when the area fills up and then drains.
- The local catchment is a flood storage area and if blocked would only lead to less area available for flood storage and would not

cause a significant adverse impact on the distribution of flood flows and or levels.

It is recommended that Council support the findings of the Review of Flood Behaviour Assessment prepared by Webb McKeown and Associates. Further, that the *floodway mapping* be modified as part of the new Kempsey Study to reflect the true nature of flooding during the 1 in 100 year event from the Macleay River at this location.

Railway Noise and Vibration

The development site shares a common boundary with the North Coast Railway Line. The rear of proposed lots 12 to 19 are within 15.5 metres of the actual rail line and the Reduced Level of the line is at approximately 8 metres AHD with the existing natural surface along the rear of these proposed lots varying from RL 9 m AHD to RL10 m AHD. The proposal seeks to provide suitably recognised methods of attenuation to be applied over the development through physical separation and associated building controls.

There is no special need to ameliorate the impact of vibration.

Applicants Submission

The applicant's Noise consultant has submitted a Railway noise assessment which is appended to this report as [\(Appendix P – Page G33\)](#).

The method proposed to attenuate the noise will be an Acoustic Barrier (Hebel block fence) 1.5 to 2 metres with a section of approximately 15 metres up to 2.5 metres in height with design and construction conditions to be applied to each residence.

In order to reduce adverse visual impacts, it is proposed to require intensive screen planting as a condition of consent.

Planning Comment

The combination of the design and construction conditions to be imposed on new dwellings and the erection of an appropriate Acoustic Barrier to attenuate the noise emanating from the North Coast Rail line will meet the limits imposed by the Rail Infrastructure Corporation Guidelines for Councils.

A suitable restriction as to user should be created over the title of all the affected allotments in the subdivision (lots 9 to 19 inclusive) to ensure the design and construction requirements recommended in the Assessment are implemented.

Further the following restrictions on the title of the affected allotments should be required: -

- a) Creation of a positive covenant ensuring that the proposed Acoustic Barrier is maintained and repaired when necessary; and
- b) Creation of an 88B restriction preventing replacing the Acoustic Barrier with other than an approved equivalent Acoustic Barrier.

Public Notification

The proposal was notified with a submission from neighbours received that may be summarised as follows: [\(Appendix Q – Page G39\)](#)

Objection	Planning Comment
<p>1 Too many blocks are being proposed for such a small area.</p>	<p>1 The subdivision proposal is for 36 residential allotments averaging 647.8m² each and the smallest sized lot in the development is 509.9m². This complies with clause 16(d) Minimum allotment sizes of Kempsey Local Environmental Plan 1987 of 500m².</p>
<p>2 The blocks are not the same size as the surrounding residential block sizes in Lawrence and Webster Streets.</p> <p>Lots need to be increased to a minimum of 850m².</p>	<p>2 The application complies with the minimum allotment size specified in Clause 16(d) of KLEP 1987. It is considered that this will not adversely impact on the existing character and amenity of the locality (S79C EP&A Act 1979).</p> <p>The average lot size in Lawrence Crescent is 715m². In Webster Street north side the average lot area is approximately 652m². The smallest lot area in Lawrence Crescent is 595.3m² and in Webster Street(north) is 606.4m².</p>
<p>3 There will be privacy issues with housing being so close together in this cluster home type development</p>	<p>3 The proposal will be compatible with the existing <u>medium density</u> residential character of adjacent lots, including ample lot width and area. <u>Solar access</u> meets acceptable industry guidelines as lots are orientated to the north & located on north slope with road frontage to the northern boundary.</p> <p>There is ample <u>open space</u> area available at the rear of even the smallest lots in this development in accordance with Development Control Plan 22 Local Housing Strategy.</p> <p>In the future, new dwellings will be required to comply with the <u>visual privacy</u> provisions of the DCP22.</p>

<p>4 No area appears to have been set aside for park.</p>	<p>4 There is an existing Kempsey Shire Council Public Reserve located at the end of Lawrence Crescent, approximately 280metres away by road at the nearest point. The industry standard usually applied is that the park is located within 400metres easy walking distance.</p> <p>Section 94 Contributions for Outdoor Recreation will be applied to each allotment.</p>
<p>5 This cluster home type development will have an effect on existing homes in the future.</p> <p>Adverse affect on sale prices of existing dwellings, noise, increased traffic and privacy issues.</p>	<p>5 This proposal is not cluster housing. The proposal does will not share common open space nor parking, these will be separate.</p> <p>There will be increased traffic but this will not impact on the existing residents as the proposed internal road will not link up to the existing lot access roads(Lawrence crescent and Webster Street, but to the existing collector road, Kemp Street.</p> <p>Any new dwelling on the proposed lots will be able to comply separately with the provisions contained in DCP22 Local Housing Strategy re private open space and visual privacy.</p> <p>There is insufficient data available to be able to determine the effect of this or similar subdivision might have on the value of the existing properties.</p>

REPORT IMPLICATIONS:

- **Environmental**

This proposal will not involve removal of either substantial or significant vegetation and or lead to the degrading of the environment. The proposed subdivision will be connected to Council's existing sewerage system and all stormwater drainage from this site will be transferred through an online stormwater device that removes gross pollutants, significant removal of total suspended solids, some phosphorous and organics pollutants.

- *Social*

It is proposed to attenuate the impact of railway noise on this development by erecting an approved acoustic barrier along the full length of the common boundary with the north Coast Railway property and in addition require designers at dwelling design stage to incorporate noise controls into those designs that ensure compliance with the Rail Infrastructure Corporation Guidelines.

All the proposed lots will have sufficient area located outside the 1 in 100year flood event from the Macleay River and flood free vehicle access onto Kemp Street.

The proposal will contribute to sustainable economic development within the Shire and makes available to the public additional land to develop.

- *Economic (Financial)*

It is unlikely that this proposal will generate any adverse economic impacts.

There are no financial implications arising from this report.

- *Policy or Statutory*

The Flood Assessment prepared by Webb McKeown and Associates for this site clearly indicates that the floodway affecting part of this land parcel depicted in Council's existing Flood Risk Management Strategy is located outside the subject land parcel. The information contained in the Flood Assessment is to be incorporated into the new study currently underway for Kempsey and eventually the Flood Risk Management Strategy policy.

RECOMMENDATION:

A That development consent be granted subject to the following conditions: -

General

1. The development referred to in this application is to be carried out substantially in accordance with the approved development Plan 51083-DA amendment "A" and as modified by any conditions of this consent.
2. 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.

3. Two days prior to commencing work under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
4. Submission of a suitable restriction over the title of proposed lots 11 to 19 inclusive in this development allowing for provision of the following:-
 - (a) Council will not approve dwellings on the affected allotments unless an Acoustical Consultants Assessment prepared by a suitably qualified consultant having had regard to the requirements contained in the Environmental Protection Authority's "Industrial Noise Policy" certifying that the proposed dwelling(s) have been designed with consideration of the potential impacts of noise emanating from the existing North Coast Railway Line, is to accompany any application to construct a dwelling(s) on the proposed lots.

This restriction is to be clearly identified on the plan of subdivision. A copy of the restriction is to be lodged with Council for approval prior to the Subdivision Certificate being issued.

5. Submission of a suitable restriction over the title of proposed lots 11 to 19 inclusive in this development allowing for provision of the following:-
 - (a) Creation of a positive covenant to allow for the maintenance and repair of the proposed Acoustic Barrier to be installed 15.5mettres from the existing North Coast Rail line by successive owners of the affected allotments.
 - (b) Creation of a restriction as to user prohibiting the proposed Acoustic Barrier from being replaced with other than an equivalent barrier which is to be certified by a practising Noise Control and Acoustic Consultant.

The restriction is to be clearly marked on the plan of subdivision. Kempsey Shire Council is to be named on the restriction as the sole party to modify and or withdraw this restriction.

6. Submission of a suitable restriction as to user over the title of all the lots in this subdivision restricting all proposed dwellings to a flood planning level of 8.3 metres on A.H.D., in accordance with Council's Flood Risk Management Policy.

Kempsey Shire Council is to be named on the restriction as the sole party to modify and or withdraw this restriction.

7. A suitable restriction as to user is to be applied over the title of proposed lots 2 to 9 requiring any future dwelling(s) to be erected on the 500m² of each allotment which is above the assessed 1 in 100 flood level.

The restriction is to be clearly marked on the plan of subdivision. Kempsey Shire Council is to be named on the restriction as the sole party to modify and/or extinguish this restriction.

8. Submission of a suitable restriction as to user over the title of proposed lots 2 to 9 inclusive ensuring all development involving construction of dwelling slab and footings shall be designed by a practicing Structural Engineer. Such design shall be in accordance with AS 2870; AS 7938 (and associated documents) and having regard to any Geotechnical Reports associated with this development.

Kempsey Shire Council is to be named on the restriction as the sole party to modify and/or withdraw this restriction.

9. A suitable restriction as to user is to be applied over the title of proposed lots 1 and 2 prohibiting vehicular access off the Kemp Street.

The restriction is to be clearly marked on the plan of subdivision. Kempsey Shire Council is to be named on the restriction as the sole party to modify and/or withdraw this restriction.

10. Applicant is to submit with the final plan of subdivision copies of any instruments under Section 88B or E of the Conveyancing Act 1919 relevant to any restrictive covenants, assessments or rights of way created by or affected by this subdivision prior to the issue of the Subdivision Certificate.

11. Submission of an application for Subdivision Certificate pursuant to Section 4A of the Environmental Planning and Assessment Act 1979, which authorises the registration of the plan of subdivision.

Public Utilities

12. The applicant shall make satisfactory arrangements with Telstra Australia for the provision of underground telephone plant to each lot. A letter from Telstra stating that satisfactory arrangements have been made for the

provision of underground telephone plant is to be lodged with Council prior to issue of the Subdivision Certificate.

13. The applicant is to make satisfactory arrangements with Country Energy for the supply of electricity to each lot. A letter from Country Energy stating that satisfactory arrangements have been made for the provision of underground electricity supply to this development is to be lodged with Council prior to issue of the Subdivision Certificate.
14. Any necessary alterations to or relocations of public utility services to be carried out at no cost to Council.

Contributions

15. The applicant is to pay a contribution towards 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 Subdivision Certificate, at the rate prevailing at that time. The current rate is \$414 per additional dwelling unit, i.e. $\$414 \times 35 \text{ E.T} = \$14,490$ total for 2006/2007. (Indexed)
16. 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 issue of the Subdivision Certificate.
17. 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 Sewerage developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$6,300 per equivalent tenement, i.e. $\$6,300 \times 35 \text{ E.T} = \$220,500$ total for 2006/2007 (Indexed).
 - (b) Payment of a Water Supply developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$7,468 per equivalent tenement, i.e. $\$7,468 \times 35 \text{ E.T} = \$261,380$ total for 2006/2007 (Indexed).
 - (c) Extension and or modification of the town sewer main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plans are to be submitted for approval to Kempsey Shire Council prior to issue of the Construction Certificate.

(d) Extension and or modification of the water reticulation main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plans are to be submitted for approval to Kempsey Shire Council prior to issue of the Construction Certificate.

(e) Provision of an appropriately sized sewage pump station with associated rising main(with connections to council's existing sewerage network) to service all proposed allotments in this development to be provided at full cost to the applicant.

The sewage pump station is to be designed by a suitably qualified Engineer and constructed having regard for the requirements contained in Development Control Plan No 36 Engineering Guidelines for Subdivision and Development and the Sewer Code of Australia(Water Services Association of Australia). Detailed engineering plans and specifications for the sewage pump station and rising main are to be submitted to Kempsey Shire Council for approval, prior to issue of the Construction Certificate.

Prior to lodging any detailed engineering plans the applicant's Civil Engineer is to liaise with Council's Macleay Water.

(f) All sewer mains where they traverse private property are to be located within an easement to drain sewage in accordance with Section 88B of the Conveyancing Act 1919 as amended and name Council as the benefiting authority.

Easements located at the rear and or side of the proposed allotments are to be no less than 3metres wide. Where the sewer easement is located at the front of the proposed lots fronting a public road a minimum easement width of 2metres shall apply.

INFORMATION TO BE SUBMITTED WITH THE CONSTRUCTION CERTIFICATE

18. Detailed Engineering Plans providing for civil engineering works for the whole of this development in strict compliance with Council's Development Control Plan No 36 Engineering Guidelines for Subdivision and Development as follows: -

Road

19. The internal road shall be constructed and dedicated as public road with grassed nature strip, having the characteristics listed in Table 1.5 of Development Control Plan No 36, Specification D1, as follows:-

- (a) Road No 1, Type 2 Local Street
 - (b) Kemp Street, 12metres between nominal face of kerb to match existing alignment of kerb and gutter.
20. Provision of an Urban Intersection, designed and constructed in accordance with the provisions of Development Control Plan 36 and the Austroad Guide "Intersections at Grade", with kerb and gutter both sides of Kemp Street with sufficient width to allow passing of a right turning vehicle.
 21. Provision of functional vehicular access to all proposed lots (including existing lots) ie. provision of layback type kerb and gutter along the full length of the internal road.
 22. Provision of a concrete footpath in the proposed internal road in accordance with Section D1.16(5) of Development Control Plan No 36.
 23. Applicant is to supply and install a "no through" road sign in the proposed internal road where it junctions with the extension of Kemp Street.
 24. The applicant is to submit a list of at least three (3) names in accordance with Council's policy on Street Naming for Council to consider in respect to the proposed internal road.
 25. 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.
 26. No trees to be lopped or removed except in accordance with Council's Policy on Tree Preservation, and with the written consent of Council.
 27. Details of the method(s) to be employed by the appointed Civil Contractor to dispose of cleared vegetation shall be lodged with Council for approval prior to Council issuing the Construction Certificate. Council will not accept burning off of fallen materials onsite as a means of disposal.
 28. The applicant is to restore, replace and reconstruct any damage caused to urban road pavements, surfaces or street furniture on the haulage route(s) used for the construction of the subdivision.
 29. The Plans for the required Construction Certificate are to include a Streetscape Plan prepared by a suitably qualified Landscape Architect in respect to the proposed internal road and the affected part of Kemp Street, in accordance with Development Control Plan 36, Section D13 Land and Streetscape Design.

Stormwater Drainage

30. Provision of a piped urban stormwater drainage system to convey all existing and proposed storm flows through this development in accordance with the most recent version of Australian Rainfall and Runoff (1987) as amended.
31. Piped Inter-allotment Stormwater Drainage is to be installed to service proposed allotments 1 to 19 inclusive. Another interallotment pipe drainage system is to be design and constructed at the rear of proposed lots 22 to 28 to direct stormwater drainage from the existing adjoining properties away from the proposed lots in this development and shall include provision of a junction and connection to each of the existing allotments.
32. Provide a catch drain over the proposed interallotment piped stormwater drainage system for lots 1 to 19 within a 3 metres wide easement to drain water preventing storms flows from affecting adjoining private property and having regard for the systems ability to effectively function as a interallotment drainage system.
33. Submission of a Erosion and Sediment Control Plan and supporting documentation prepared using Landcom publication "Managing Urban Stormwater Soils and Construction" and approved by the NSW Department of Environment and Conservation.
34. All stormwater from the development site is to be routed through a suitable gross pollutant trap located in Kemp Street to remove gross pollutants as well as fine sediments. The applicant's Engineer is to liaise with Council's Sustainable Development Services Department prior to submitting preliminary engineering plans and selecting this unit(s).
35. The applicant is to enter into an agreement with Kempsey Shire Council to maintain the gross pollutant trap in Kemp Street until 80% of the proposed allotments have been fully developed.

Filling Of Lots

36. All the allotments in this development each include not less than 500 square metres of land which is outside the limit of the 1 in 100 year flood. The 1 in 100 flood level in this locality is 7.8 metres on Australian Height Datum (AHD).

The allotments to be filled shall have a minimum longitudinal fall of 1%, to either the proposed internal

road(s) and or proposed interallotment pipe drains. The maximum depth of filling is not to exceed 1.3 metres.

37. Submission of a Geotechnical Specification for the supply and placement of fill materials, prepared by a N.A.T.A Registered Geotechnical Engineer, as it affects proposed lots 2 to 6 and shall include but not be limited to the following:-
- (i) Identify the proposed source of fill;
 - (ii) Method of delivery of fill material to the site;
 - (iii) Geological/Geotechnical Analysis of the proposed fill material;
 - (iv) Quality Assurance Regime
 - (v) Method and full engineering details of retaining the proposed fill.
 - (vi) Any other matters.
38. Submission of a Certificate from your Geotechnical Engineer at the time of lodging the application for Subdivision Certificate certifying that the fill materials when placed in accordance with the Geotechnical Specification will be suitable for residential development.
39. The applicant is to pay a contribution towards haulage route road upgrading for the reduction in pavement life associated with transportation of fill material to the development site and calculated in accordance with the provisions of Council's Section 94 Plan for Rural Roads.

The contribution to be paid will be the rate prevailing at the time of lodging the application for Subdivision Certificate.

Haulage routes for the importation of fill are to be agreed to by the Director of Shire Services prior to issuing of the required Construction Certificate.

40. Submission of full engineering detail for the proposed Acoustic fencing to be designed and installed having regard for the limits set by the HK Clarke and Associates Railway Noise Assessment. The Noise Consultant is to submit a design specification with supporting documentation for the proposed construction of the Acoustic Fencing.
- A Certificate is to be submitted from your Noise Consultant at the completion of the construction of the Acoustic Fencing certifying that the fencing was constructed in accordance with the specification and will meet the target values specified in the HR Clarke Railway Noise Assessment.

Demolish Existing Buildings

41. Applicant is to submit to Council a Work Plan providing details for the demolition of the existing Diary building and associated out buildings and structures in accordance with Section 68 of the Local Government Act 1993, Council's policy on the Demolition of Buildings and AS 2601-2001 "Demolition of Structures", for approval prior to issue of the Construction Certificate.

A copy of Council's Policy on Demolition of Buildings is appended to this Development Consent.

42. 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.
43. Submit a demolition checklist with the work plan demonstrating that all practical and legal requirements for the demolition of the existing Diary building and associated structures have been incorporated into the work plan.

Inspections

44. 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.

Note: Accounts will be forwarded for inspections that are required and/or undertaken in addition to those inspections for which a pre-payment has been made.

Inspections required:

- (a) The inspections for the required civil engineering works are listed in Section 6.3 of Council's Engineering Guidelines for Subdivision and Development (DCP 36) and must be undertaken prior to the appointed contractor proceeding to the next stage of the construction.
 - (b) Council is to inspect all Telstra and CountryEnergy cables where they cross existing and or new Council sewer or water mains prior to the contractor backfilling the trench.
45. The plans for the required Construction Certificate are to include a detailed landscaping plan providing for the establishment of endemic species suitable to screen the acoustic barrier when viewed from any public place.

- B. That the objectors be notified of Council's decision.
- C. That the review of the flooding classification be referred to Council's Flood Risk Management Committee for consideration of the review of flooding currently being undertaken for Kempsey.

.....
R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES