



## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

2 February 2010

<b>DSDS7</b>	<b>PROPOSED DUAL OCCUPANCY</b>	
	<b>FILE: T6-09-236 SRR</b>	<b>{Folio No. *}</b>

### **SUMMARY:**

Reporting that Council has received a development application for a proposed dual occupancy development at 7 Myrtle Street, Hat Head that requires a variation to DCP37 - Hat Head.

### **SECTION 375A OF LOCAL GOVERNMENT ACT REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT**

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**Applicant:** O'Donnell & Hanlon Pty Ltd  
**Subject Property:** Lot 16 DP758505  
7 Myrtle Street, Hat Head  
**Zone:** 2(v) (Village or Township Zone)

### **DESCRIPTION:**

The development application is for a proposed dual occupancy on an allotment located opposite Hat Head Bowling Club which enjoys dual street frontages to Myrtle Street and an unnamed laneway. The site is predominantly level and has an area of approximately 1,353m<sup>2</sup>.

### **(Appendix C - Page SDS9)**

The application's plans describe the proposed development as follows:

- the demolition of the existing dwelling on the subject site;
- the removal of one (1) tree on the subject site;
- the construction of a dual occupancy development on the subject site, being two (2) units of two stories each with a common wall;
- alterations and additions to the existing single story shed to create two (2) covered car-parking spaces and a covered BBQ area; and
- the construction of associated access, visitor parking, utilities, boundary fencing and landscaping.

The proposed design includes weatherboard clad walls with Colorbond skillion roofs, aluminium window frames and timber decking/verandahs on both levels.

### **Heads of Consideration**

The matter has been assessed in accordance with Section 79C (1) of the *Environmental Planning and Assessment Act 1979* with the following considered to be of particular relevance.

### **Kempsey Local Environmental Plan 1987**

Kempsey Local Environmental Plan 1987 (KLEP) zones the land 2(v) (Village or Township Zone). Dual occupancy development is permissible with consent. It is considered the proposed development satisfies the aims and objectives of the Plan.

### **Development Control Plan No. 37 – Hat Head**

With regard to *DCP No. 37 – Hat Head – Part 3 – Servicing Strategy* the subject site is located within the "Phase One (1)" area of the strategy.

#### Effluent Disposal

The existing dwelling is currently connected to Council's sewer system. However, *DCP No. 37 – Hat Head – Part 3 – Servicing Strategy* does not allow for additional load to be placed on Council's sewer system as part of any development. Consistent with other recent approvals, a condition of consent is recommended requiring provision of an Onsite Sewage Assessment prior to the issue of a Construction Certificate, demonstrating that the dual occupancy can be effectively serviced without placing additional effluent load on the Hat Head sewage system during peak loading periods. This will require design of a system that provides for on-site detention or treatment and disposal on-site or a combination of both.

#### Key Landscape Features

The Development Application proposes the removal of one (1) native tree. *DCP No. 37 – Part 4 – Key Landscape Features - (e) Existing Large Native Trees* requires that existing large native trees should be identified and, where practical, protected. The proposal includes removal of a large tea-tree with a canopy of approximately 11 metres.

The following grounds have been given by the applicant to support the removal of the tree:

- The tree close to the proposed buildings and has a root system that will cause difficulties during construction and may cause future root related problems on the development;
- The tree is interfering with overhead powerlines; and
- The tree is located on the boundary, which will make the construction of the new boundary fence difficult.

It is considered that insufficient grounds have been provided to vary DCP37 in this regard as there is ample room on site to relocate the dwelling to avoid removal of the tree. In order to reduce impacts on all trees intended to be retained, it is considered reasonable to impose a condition requiring submission of a report with the required Construction Certificate indicating the means to avoid disturbance and longer term damage.

### **Development Control Plan No. 22 – Local Housing Strategy (DCP22)**

The proposed development complies with the density, site coverage, private open space, landscaping, vehicular access and parking, building height, overshadowing, privacy and setback requirements of DCP22.

### **State Environmental Planning Policy No. 71 – Coastal Protection**

*State Environmental Planning Policy (SEPP) No. 71 – Coastal Protection* has been addressed during assessment of the development application. The site is not classified as a "sensitive coastal location". [\(Appendix D - Page SDS12\)](#)

The application has been assessed having regard to the heads of consideration under Clause 8 of SEPP 71 to which the following comments relate:-

- a. The proposal is not considered contrary to the aims and objectives as set out in *State Environmental Planning Policy (SEPP) No. 71 – Coastal Protection – Part 2 – Matters for Consideration*.
- b. The proposal will not interfere with any public access to the foreshore.
- c. As the site is not located adjacent to any foreshore there is no requirement to enhance any existing public access.
- d. See comments in body of the report on suitability of the development in the locality.
- e. The site is not located adjacent to any coastal foreshore and therefore will not overshadow any public foreshore reserve.
- f. The surrounding area is predominately urban. The development will not detract from the scenic qualities of the New South Wales Coast line.
- g. The proposal will have a minimal impact upon threatened species of flora and fauna and subject conditions, all trees are to be retained.
- h. There will be no direct impacts on marine ecosystems.
- i. The lot is situated within an existing subdivision. There will be no impact upon any wildlife corridor.
- j. There are no perceived impacts upon coastal process.
- k. The site has no foreshore frontage so conflict between land and water based activities will not result from this development.
- l. Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of aboriginals have been considered.
- m. The applicant is required to treat storm water on site to an acceptable level to minimise impacts on coastal water bodies.
- n. There are no issues related to the conservation and preservation of items of heritage, archaeological or historic significant.

### **Climate change Guidelines**

*Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise* has been addressed during assessment of the development application. The proposal is within the developed urban area of Hat Head and is not expected to be at any greater risk of sea-level rise than the existing village of Hat Head. While the proposal is an intensification of the site within the coastal area it does reduce the need for urban sprawl/creep in the village.

The potential effects of Climate Change on the village as an issue that will be addressed in conjunction with the Climate Change Adaptation Project, however,

at this stage Council has no information which indicates that any properties will be affected by the expected 2100 sea level rise of 91cm.

## **Government Coastal Policy 1997: A Sustainable Future for the New South Wales Coast**

Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires consideration of this policy in the assessment of the application. The proposed development is considered to comply with the policy.

### **PUBLIC EXHIBITION:**

The application was advertised from 18 August 2009 to 1 September 2010. No submissions were received by Council.

### **RECOMMENDATION IMPLICATIONS:**

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic (Financial)***

***Nil***

- ***Policy or Statutory***

***Nil***

### **RECOMMENDATION:**

**That the Development Application 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
Site Plan Sheet 2 of 7	02	Midcoast Design & Drafting	15 Oct 2009
Ground Floor Plan Sheet 3 of 7	02	Midcoast Design & Drafting	15 Oct 2009
Upper Floor Plan Sheet 4 of 7	02	Midcoast Design & Drafting	15 Oct 2009
Elevation Plan Sheet 5 of 7	02	Midcoast Design & Drafting	15 Oct 2009
Garage Floor Plan and Elevation Plan Sheet 6 of 7	02	Midcoast Design & Drafting	15 Oct 2009
Landscape Plan Sheet 7 of 7	02	Midcoast Design & Drafting	15 Oct 2009

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. The plans for the required Construction Certificate are to provide for relocation of the dwellings so as to avoid the need to remove the *Melaleuca quinquenervia* (broad-leaved paperbark) located adjacent to the unformed laneway.
3. Compliance with Building Code of Australia and insurance  
All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

This condition does not apply:

- a. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - b. to the erection of a temporary building.
4. This consent does not permit commencement of any works  
This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

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

5. **Engineer's Details**  
Engineer' details for all footings, foundations, reinforced concrete slabs, structural components and details of cut and fill are to be submitted to Council prior to the issue of a Construction Certificate. The Engineer's details are to be prepared in accordance with Council's Development Control Plan No. 36. The Engineer's details are to be prepared by an appropriately qualified and experienced Engineer.
6. **Firewall separation details required**  
Details of the fire wall separation between the units are required demonstrating compliance with the *Building Code of Australia – Part 3.7* prior to the issue of a construction certificate. The details are to be prepared by a suitably qualified, adequately experienced and currently practicing professional.
7. **Garage details required**  
Details of the garage are required demonstrating compliance with the *Building Code of Australia – Part 3.7* prior to the issue of a construction certificate. The details are to be prepared by a suitably qualified, adequately experienced and currently practicing professional.
8. **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.
9. **Geotechnical Report required – Engineering Works**  
A certificate from a professional Geotechnical Engineer is to be provided to the Principal Certifying Authority, certifying that:
  - 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;
  - the civil engineering works will not be affected by landslip or subsidence either above or below the works;
  - adequate drainage has been provided with appropriate considerations given to groundwater constraints; and
  - that the fill will be suitable for its intended purpose of building works.
10. **Reticulated sewer supply**  
Prior to the issue of a Construction Certificate design details and specifications for the provision of reticulated sewer supply to the site are to be submitted to Council.

The plans are to clearly demonstrate:

- That there is no nett increase in demand for sewerage on the Hat Head sewerage system during peak load periods;
  - Justification of ET calculation and flows from the system;
  - The type of system (including make and model), including adequate design detail;
  - Management of such system, including the establishment of any required easements or restrictions and maintenance; and
  - In the case of any onsite disposal, sufficient detail to demonstrate that the proposed effluent disposal system complies with AS1547-2000 and *Environment & Health Protection Guidelines: Onsite Sewage Management for Single Households (1998)*.
11. **Water and Sewerage Section 68 approval required**  
Prior to the issue of a Construction Certificate approvals under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work shall be obtained from Council. All water and sewer design shall be endorsed by the Manager of Macleay Water.
12. **On-site stormwater detention approval required**  
Stormwater drainage is to be designed to direct all water to a Council approved drainage system at pit HHP J34 to prevent discharge runoff onto adjoining land. The drainage system is to be designed for 1 in 20 year storm event. On-site stormwater detention is required, restricting stormwater discharge to the pre-development runoff rate, for a 1 in 5 year storm event. This system must be designed in accordance with AS/NZS 3500.3:2003 - *Plumbing and drainage, Part 3: Stormwater drainage*. The design is to ensure all stormwater onsite is accounted for, including runoff from both units, the shed, and the driveway. All piped drainage lines over adjoining land are to be located within drainage easements. All costs are the responsibility of the proponent.

An approval is to be obtained under Section 68 of the Local Government Act 1993 to *carry out stormwater drainage work*.

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

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*.

The plans must be in compliance with Council's Adopted Engineering Standard.

- 13. Compliance with BASIX Certificate**  
 The Principal Certifying Authority (PCA) is to ensure that the proposed development is constructed in accordance with the requirements of BASIX Certificate 262146M, dated 7 August 2009. The Plans submitted for approval with the Construction Certificate must include all of the BASIX Certificate commitments indicated in this certificate.

Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate may be required.

- 14. 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. Stabilisation of any cut or filled area using endemic grass species is to be undertaken as soon as practically possible. 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.

- 15. Contribution to be paid towards provision or improvement of amenities or services prior to the issue of a Construction Certificate.**

The particulars of the contributions levied pursuant to Section 94 of the Act are set out in the following table:

The specific public amenity or service in respect of which the condition is imposed.	The contributions plan under which the condition is imposed	Date of contributions plan
Outdoor Recreation	Outdoor Recreation 2001	September 2001
Section 94 – Project Administration	Project Administration	10 August 2007

The above plans may be viewed during office hours at the Council Customer First Centre located at 22 Tozer Street West Kempsey.

Contributions set out in the following Schedule are to be paid to Council prior to the issue of a Construction Certificate. The following contributions are current at the date of this consent. The

contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council offices during office hours. Payments will only be accepted by cash or bank cheque.

**Schedule of Contributions pursuant to Section 94 of the Environmental Planning and Assessment Act 1979**

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Outdoor Recreation	ET	1	\$549.00	\$549.00	30 Jun 2010
<b>Subtotal</b>				<b>\$549.00</b>	
<b>S94 Administration</b>	6% of total Section 94 charge applicable			<b>\$32.90</b>	<b>30 Jun 2010</b>
<b>TOTAL</b>				<b>\$581.90</b>	

- 16. Application for a Certificate of Compliance**  
 Submission of an application for a Certificate of Compliance pursuant of Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 if the Water Management Act 2000 have been met, prior to the issue of the Construction Certificate.

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

- 17. 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 must be in writing and specify the date of commencement.
- 18. Public liability insurance**  
 The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.
- 19. Plumbing Permit**  
 The plumber must obtain a Plumbing Permit at least two (2) working days prior to commencing work in accordance with the Local Government Act and the NSW Code of Practice for Plumbing and Drainage. The proponent must ensure the plumber has obtained a Plumbing Permit prior to commencing work on the site.
- 20. Site construction sign required**  
 A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:

- a. showing the name, address and telephone number of the principal certifying authority for the work;
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c. stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m<sup>2</sup>.

21. **Erosion & 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.**

22. **Toilet facilities**  
Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

## **THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION**

23. **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.

24. **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).
- 25. **Construction dust suppression**  
All necessary works are to be undertaken to control dust pollution from the site.  
  
These works must include, but are not limited to:
  - a. restricting topsoil removal;
  - b. regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
  - c. alter or cease construction work during periods of high wind; and
  - d. erect green or black shade-cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
- 26. **Survey of building floor height required**  
A survey certificate prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to ensure the building will be constructed in accordance with the development consent.
- 27. **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.
- 28. **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.
- 29. **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.

- 30. 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.

**Note:** Council may impose on-the-spot fines of up to \$600 for non-compliance with this condition.

## **Demolition**

- 31. Removal of asbestos**  
All asbestos wastes associated with demolition/renovation works are to be disposed of in accordance with the requirements of the Workcover 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.
- 32. 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.

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

- 33. 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.
- 34. 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.
- 35. Rainwater tank requirements**  
Rainwater tank/tank-stand installations are to be structurally sound, and in accordance with manufacturers detail and/or Guidelines for Plumbing Associated with *Rainwater Tanks in Urban Areas*. Overflow from the tank is to be diverted to the existing stormwater system, or disposed of in a manner not to cause nuisance to neighbouring properties or degradation of land.
- 36. 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 1b building.

**37. Site to be landscaped**

The site must be landscaped in accordance with the approved landscape plan, including stabilisation of any cut or filled area using endemic grass species as soon as practically possible.

In additional to the vegetation to be planted as per the approved landscape plan, one (1) paper bark species endemic to the area is to be planted within the property. The tree to be planted shall have advanced growth, being a minimum of 45 litres in pot size. The plant shall be planted prior to the issue of an Occupation Certificate

**38. Submission of an arborists report prepared by a suitable qualified person indication the means of ensuring that the proposed building and hardstand areas will not result in damage to any trees on site, including root zones.**

**39. Rectification of any damages**

The final Occupation Certificate will not be issued until Council is 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 is to 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.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH AT ALL TIMES**

**40. NSW Rural Fire Service**

The following conditions have been imposed by the NSW Rural Fire Service under the integrated development provisions of the Environmental Planning and Assessment Act, 1979 and the Rural Fire Act 1997.

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of building are below critical limits and to prevent direct flame contact with a building.

**1. At the commencement of building works and in perpetuity the property around the building shall be managed as follows as outlined within Section 4.1.3 and Appendix 5 of "Planning for Bushfire Protection 2006" and the NSW Rural Fire Service's document "Standards for Asset Protection zones":**

- **The whole property should be maintained as an inner protection area, in perpetuity of the development.**

The intent measure is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants.

2. To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

#### Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- Reticulated or bottled gas is to be installed and maintained in accordance with *Australian Standard AS/NZS 1596-2002: The Storage and Handling of LP Gas* and the requirements of the relevant authorities. Metal piping is to be used.

#### Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

3. Property access roads shall comply with Section 4.1.3 (2) of "Planning for Bush Fire Protection 2006". The property access is to be suitable for fire-fighting vehicle movements being not less than six (6) metres wide with a head-clearance of four (4) metres.

#### Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

- New construction shall comply with *Australian Standard AS 3959-1999 "Construction of Bushfire Protection 2006"*.
4. All fencing shall be non-combustible.

#### Landscaping

5. Landscaping of the site is to comply with the principals of Appendix 5 of "Planning for Bush Fire Protection 2006".
6. Maintain cleared building perimeter for fire fighting purposes  
To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

#### ADVICE:

- a) **Contributions for Water and Sewer Services prior to this issue of a Certificate of Compliance**

Contributions set out in the following table are to be paid to Council prior to the issue of a Certificate of Compliance. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water & DSP Sewage Services 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 ET	\$8,146	\$8,146	30 Jun 2010
Sewer	1 ET	\$6,872	\$6,872	30 Jun 2010
<b>TOTAL</b>			<b>\$15,018</b>	

- b) **Shed not used for human habitation**  
The shed must not be used for human habitation, commercial or industrial purposes.

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