

**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES  
REPORT**14<sup>th</sup> December 2004**DSDS6      ERECTION OF RESIDENTIAL FLAT BUILDING  
CONTAINING SEVEN UNITS  
FILE: T6-04-187    GGL****SUMMARY:**

Reporting that Council at its meeting 9 November 2004 resolved that the applicant modify the proposed seven residential development to comply with DCP 22, in particular, the side setbacks ([Appendix P - Part 1, Part 2, Part 3, Part 4, Part 5, Part 6, Part 7 and Part 8](#)). The applicant has resubmitted the application and modified the setbacks however, a variation to the landscaping requirements is requested.

**DEVELOPMENT CONTROL NO. 22 MODIFICATIONS****Setbacks 2<sup>nd</sup> Floor**

Clause 4.2.2 of DCP 22 requires the minimum side setbacks for the second storey to be an average of 1.5 metres from the boundary. The applicant has modified the proposal to comply with this requirement, however, the planter boxes located on external facia of the balconies encroach into the minimum required setback by 160 millimetres. The encroachment is considered minimal and would contribute positively to the appearance of the building. Moving the boxes to inside the balconies would reduce living space and strict compliance is unnecessary in the circumstances. ([Appendix Q](#))

**Landscaping**

The applicant has addressed the 15% landscaping shortfall by placing planter boxes on the external facias on the second storey balconies. The planter boxes adequately address the shortfall of the required landscaping. No unacceptable loss of amenity to adjoining properties will result in the location of the planter boxes and, as previously advised, refusal on such grounds would be difficult to justify.

**Site Coverage**

The proposed development has a site coverage discrepancy of 1.36%, which is considered minimal and consistent with the zone objectives.

**Cut and Fill**

Although the cut and fill exceeds the required limit by 1.17 metres, the overall roof height of the proposal is in accordance with the performance objectives of DCP 22. The cut will not be visible from the primary street frontage thereby being consistent with the streetscape.

## **Private Open Space**

The amended plans have addressed the private open shortfall in units 3, 4, 5 and 6 and achieve the performance objectives outlined in DCP 22.

## **RECOMMENDATION:**

- A That the application be approved subject to the following conditions of consent:**
- 1 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.**
  - 2 The plans for the required Construction Certificate are to provide for amendment of Units 3, 4, 5 and 6 to increase the area of the balconies to an area of not less than 15m<sup>2</sup> with the minimum width to be 2 metres for at least 80% of the area.**
  - 3 A separate development application submitted to Council for demolition of the existing dwelling, garage and pool.**
  - 4 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.**
  - 5 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.**

- 6 The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material, and submit details to Council prior to release of Construction Certificate.
- 7 Lodgement to Council of a cash bond to the value of \$10,000 as surety against any damage to the nominated haul route prior to release of the Construction Certificate.
- 8 Details are to be submitted from a practising structural engineer on the measures, which are to be used to protect the adjoining properties, including Council's road reserve as a result of proposed excavations. Details are to include engineering designs and certificates to cover the work. The details are to be submitted for approval with the Construction Certificate.
- 9 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the 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.
- 10 If the soil conditions require stabilisation:-
  - a Retaining walls or other approved methods of preventing movement of the soil must be provided; and
  - b Adequate provision must be made for drainage.
- 11 This consent has been issued on the basis that it is intended to appoint Council as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 12 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.

13 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.

14 Two days prior to commencing work Form 7 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.

15 The Multi Residential Units 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. Multi Residential Units

16 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.

17 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.

18 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 Carrying out water supply work.
- b Carrying out sewerage work.
- c Carrying out stormwater drainage work.

19 Compliance with the Building Code of Australia.

All building work must 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.**

- 20 Submit a BCA Assessment Report of the proposed building by an appropriately accredited certifier with the Construction Certificate.**
- 21 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.**
- 22 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.**
- 23 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.**
- 24 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.**

- 25 All building work must be carried out in accordance with the provisions of the Building Code of Australia.**

**Your attention is drawn to the following requirements of the Building Code of Australia.**

- a Structural Engineer's Details for footings, reinforced concrete slab, structural steel work is to be submitted prior to any work commencing on the building.**
- b Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.**

- c** That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- d** The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047. The builder is to certify the windows have been installed in accordance with AS2048.
- e** Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of
- (1) D2.16**
- of the Building Code of Australia.
- Note: Spacing of rails not to exceed 125mm.
- f** Riser and Going dimensions for stairs shall be in accordance with Clause D2.13 of the Building Code of Australia. In Class 1 and 10 buildings the following will apply:
- | Riser(R) |     | Going (G) |     | Quantity (2R + G) |     |
|----------|-----|-----------|-----|-------------------|-----|
| max      | min | max       | min | max               | min |
| 190      | 115 | 355       | 240 | 700               | 550 |
- Note: Any openings between treads not to exceed 125mm.
- g** Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- h** Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999

are to be submitted to Council prior to commencement of work.

- i Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.
  - j All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
  - k The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm above the fixture or in the case of a shower, to a height of 1.8 metres above the floor with cement render ceramic tiles or other approved finish impervious to water.
  - l The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia
- 26 The proposed building has been assessed by Council under the provisions of the Building Code of Australia as a Class 2 & 7 building, having a rise of 3 storeys. The buildings are to be constructed in Type B fire resistance construction. It is the builder's responsibility to ensure that all building elements have the minimum fire resistance level specified in Specification C1.1, Table 4 of the Building Code of Australia.
- 27 Every part of the building shall be constructed in a proper and workmanlike manner to achieve the required level of performance using materials that are not faulty or unsuitable for the purpose for which they are used.
- 28 A "Smoke Hazard Management System" shall be designed and installed within the building in accordance with the relevant provisions of Section E2.2a of the Building Code of Australia.
- 29 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify the siting of the building in relation to adjacent boundaries, and work is not to proceed beyond that stage until a written release has been given by Council. The survey is to be submitted

- at completion of floor slab formwork before concrete is poured.
- 30 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify that the work is being constructed at the level shown on the building approval. The work is not to proceed beyond the designated stage until a written release has been given by Council. The survey is to be submitted when the formwork is completed for the floor slab before concrete is poured.
  - 31 Floors of balconies shall be graded and drained to a grated inlet connected to the stormwater drainage system.
  - 32 Clothes drying facilities must comply with Part F, Clause F2.1 of the Building Code of Australia.
  - 33 All materials used in the building shall comply with the provisions of Clause C1.10 of Building Code of Australia. A list of all the proposed construction and finishing materials detailing their early fire hazard properties (i.e. spread of flame and smoke development indexes) shall be compiled then submitted to Council for approval prior to their use in the Building.
  - 34 Emergency lighting requirements must comply with Part E, Clause E4.2 of the Building Code of Australia.
  - 35 Where protection is required, doorways, windows and other openings must be protected in accordance with Part C, Clause C3.4 of the Building Code of Australia.
  - 36 Lintels must comply with Clause 2.3 of Specification C1.1 of the Building Code of Australia.
  - 37 Brick cavities shall be cleaned in accordance with the requirements of AS3700 – Masonry in Buildings.
  - 38 Full details of the means of damp-proofing all garages below or partly below ground level shall be submitted to Council with the Construction Certificate.
  - 39 Provisions shall be made for the installation of telephone and television services by installation of conduits during construction for each sole-occupancy unit.
  - 40 No service installations shall be installed in exits or paths of travel leading to an exit except as conceded in D2.7 of the Building Code of Australia.

- 41** Walls and floors separating sole-occupancy units and separating sole-occupancy units from a plan room, lift shaft, stairway, public corridor or the like must have Sound Transmission Class (STC) not less than 45.
- 42** A wall separating a bathroom, laundry or kitchen in one sole-occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have a Sound Transmission Class (STC) not less than 50 and must comply with F5.5 of the Building Code of Australia. Details of the proposed method of complying with F5.5 must be submitted to Council for approval prior to the commencement of construction.
- 43** Soil and waste pipes passing through more than one sole-occupancy unit must be separated from rooms in any sole-occupancy unit by construction complying with F5.6 of the Building Code of Australia.
- 44** Upon completion and prior to occupation of the building, certificate from a practising Structural Engineer shall be submitted to Council certifying that the building has been erected in accordance with the approved structural drawings and is structurally adequate for the loads imposed.
- 45** Where structural reinforced concrete members are required to have a fire resistant rating, the practising Structural Engineer shall certify that the requirements of the relevant SAA Concrete Structures Code have been satisfied. This is to be submitted prior to occupation.
- 46** A certificate shall be submitted by a practising Structural Engineer certifying that the building has been designed in compliance with the requirement as detailed in AS 1170.4 "SAA Earthquake Loads".
- 47** Openings in floors, walls and shafts for services must comply with Section C, Clauses C3.12, C3.13 and C3.14 of the Building Code of Australia.
- 48** The hours of construction work 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.
- 49** Building materials are not to be stored within the road reserve or any other public place.

- 50 The following information to be submitted with the Construction Certificate:-
- a Two sets of specifications for the Class 2 & 7 building detailing the appropriate clauses of the BCA and Australian Standards for the work to be constructed.
- 51 The applicant's consultants are to provide certified plans and specifications with the Construction Certificate for the works to be constructed.
- a The installation of the hydrants complying with Clauses E1-3 of the BCA and AS2419.
  - b The installation of portable fire extinguishers.
  - c The installation of the smoke management system complying with NSW, Part E Tables E2.2. of the Building Code of Australia.
  - d The installation of emergency lighting and exit signs complying with Part E4 and AS/NZS 2293 Part 1-1998.
  - e The installation of plumbing and drainage complying with the requirements of the Local Government Act and Regulation, Australian Standard 3500 and New South Wales Code of Practice Standard 3500
- 52 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.
- 53 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 upslope 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, to existing pipe storm system in McIntyre Street.
- ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.

**54 Information to be submitted with the Construction Certificate:-**

- a Provide two specifications for the Class 2 and 7a building detailing the appropriate clauses of the Building Code Of Australia and Australian Standards for the works to be constructed.
- b Indicate location of the following Fire Safety Services in the Building.
- Fire hose reels
  - Portable Fire Extinguishers
  - Emergency Lighting
  - Exit Signs
- c Provide Mechanical Engineer's detail and certificate Certifying that the car parks permanent natural ventilation complies with Section F clause F4.11 of the BCA and AS 1668.2.

**55 The plans for the required Construction Certificate are to include provision of a sump or other means suitable to prevent flooding in the event of water entering the basement in excess of 300mm in depth during a 1 in 10 year stormwater in accordance with Australian rainfall and Runoff without reliance on mechanical pumping. Such plans are to include the means of draining the basement following such an event.**

- 56 The plans for the required Construction Certificate are to include a detailed design providing for the construction of the Orara Street extension and intersection with Trial Street, (including kerb, gutter and stormwater disposal facilities) in accordance with the latest versions of relevant Austroads publications (urban streets) prior to release of the Construction Certificate.
- 57 All stormwater drainage from the development site is to be piped and connected to Council's stormwater drainage system. Such plans are to include a suitable onsite detention system designed to ensure that discharge of stormwater during a 1 in 100 year storm event will not increase pre-development flow rates. A detailed plan is to be submitted for approval prior to Council issuing the Construction Certificate.
- 58 All internal parking areas, accessways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved.
- 59 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 60 The plans prepared for the required Construction Certificate are to provide for a concrete footpath across McIntyre Street frontage of the property strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. All works are to be carried out strictly in accordance with the plan.
- 61 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 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 \$1,211 per equivalent tenement, i.e  $\$1,211 \times 5.32 \text{ E.T} = \$6,443$ . (Indexed 2004/2005)
- b Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$3,031 per equivalent tenement, i.e  $\$3,031 \times 5.32 \text{ E.T} = \$16,125$ . (Indexed 2004/2005)
- 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

- 62 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 \$1,883 per additional dwelling unit, i.e  $\$1,883 \times 5.32 \text{ E.T} = \$10,018$ . (Indexed 2004/2005)

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

- 63 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 \$1,476 per equivalent tenement, i.e.  $\$1,476 \times 5.32 \text{ E.T.} = \$7,852.32$  (Indexed 2004/2005).

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

- 64 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 of Council's Environmental Services Department for requirements before commencing construction.
- 65 Engineering details of both side retaining walls to be submitted to Council prior to release of Construction Certificate.

- 66 The applicant to notify the management of the preschool thirty (30) days prior to the upgrading of Orara Street.
- 67 The plans for the required Construction Certificate are to provide for suitable means to reduce the visual impact of the proposed courtyard fence facing McIntyre Street. Such means may include several insert panels or the like.
- 68 The plans for the required Construction Certificate are to provide for planter boxes to be provided on all decks and balconies. Details of the plant species to be placed in the planter boxes to be included in the site's landscape plan prior to the release of the Construction Certificate.
- 69 Security lighting be provided in the carpark, between the units and in the internal void areas. Lighting is designed and directed to minimise impacting upon adjoining residences.

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