



## MINUTES OF THE PLANNING COMMITTEE MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 25th May 2004 commencing at 9.02am.

### PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Bowell, E A Green, J C Gribbin, T L Hunt, R H McWilliam, D F Saul, B R Sowter.

Acting General Manager, T I Hannam; Acting Director Environmental Services, R B Pitt; Ken Woods and Donna Pearson.



### APOLOGY:

2004. P88

### RESOLVED:

*Moved: Cl. Bowell  
Seconded: Cl. Sowter*

That the apology submitted by Councillor E R Walker for non-attendance at the meeting be accepted and leave of absence granted.



## MINUTES OF THE PLANNING COMMITTEE MEETING OF KEMPSEY SHIRE COUNCIL DATED 27TH APRIL 2004

2004. P89

### RESOLVED:

*Moved: Cl. Bowell  
Seconded: Cl. Green*

That the Minutes of the Planning Committee Meeting of Kempsey Shire Council dated 27th April 2004, be adopted.



## DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS1

AFFIXING OF COUNCIL'S SEAL

FILE: C10-4 PJH

{Folio No. 275442}

### SUMMARY:

*THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE PLANNING COMMITTEE MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 25TH MAY 2004.*

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MAYOR

Reporting on the deadline today for Council to affix its seal to documents.



The Local Government (Meetings) Regulation requires Council to authorise the affixing of the Council seal to any document. The resolution of Council must specifically refer to the document.

Reporting on local organisations that were successful in obtaining small equipment grants and the need for Council's seal to be attached to the funding agreements on/or before 25/05/04.

Several small local organisations have applied for and have been successful in obtaining Dept of Family and Community Services – Small Equipment Grants and as part of the application process they needed an auspicing body and I nominated Council to be that body for several groups:-

- Frederickton Rural Fire Service - \$1955.45 – *Purchase Refrigerator, Freezer, Microwave, Urn and Lawn Mower*
- Aldavilla Rural Fire Service
- Kalateenee Progress Association - \$3487 – *Purchase Ride on Mower*
- Kempsey Rural Fire Service - \$1881.85 - *Purchase Manikins*

Those organisations that have been successful have now received the formal funding agreement forms which require the affixing of Council's seal. The deadline for submission of the completed funding agreements is 25/5/04 and the funds must be fully expended on the specific items listed no later than 4/7/04.

***Financial Implications, Policy Implications, ESD implications, Statutory Implications***

***Council's accounting staff will be involved in processing time for these applications.***

2004. P90

**RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Saul*

**That Council's seal be affixed to the agreements with the Dept of Family and Community Services – Small Equipment Grants:-**

- **Frederickton Rural Fire Service - \$1955.45 – *Purchase Refrigerator, Freezer, Microwave, Urn and Lawn Mower***
- **Aldavilla Rural Fire Service**
- **Kalateenee Progress Association - \$3487 – *Purchase Ride on Mower***
- **Kempsey Rural Fire Service - \$1881.85 - *Purchase Manikins***



**PUBLIC FORUM**

- 1 - Geraldine Haigh and Ian Gregson addressed Council regarding DES1 Request for Rezoning of Former Shell Depot - Phillip Drive, South West Rocks.

2004. P91

**RESOLVED:**

*Moved: Cl. Bowell  
Seconded: Cl. Sowter*

**That there be an extension of two minutes to allow Mrs Haigh to speak.**

- 2 - John Hampson addressed Council speaking against DES1 - Request for rezoning of former Shell Depot - Phillip Drive, South West Rocks
- 3 - Christine Allen addressed Council speaking in favor of DES3 - (page G11) 11 Units / Strata Subdivision No.83 Mitchell Street, South West Rocks



**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports DES1 (Page G1) and DES3 (Page G11)**

2004. P92

**RESOLVED:**

*Moved: Cl. Sowter  
Seconded: Cl. Hunt*

**That the reports relating to public forum be bought forward and dealt with immediately.**



<b>DES1</b>	<b>REQUEST FOR REZONING OF FORMER SHELL DEPOT - PHILLIP DRIVE, SOUTH WEST ROCKS</b>
<b>FILE: LA18308</b>	<b>RBP {Folio No. 275443}</b>

**SUMMARY:**

Reporting that Council has received a request to reconsider a proposal to rezone the former Shell Depot at Phillip Drive, South West Rocks for residential purposes.



**Subject Land:** Lot 1 DP 445196 Phillip Drive, South West Rocks  
**Owner:** SWRUT Pty Ltd

.....  
MAYOR

**Current Zone:** 5(a) Special Uses (Oil Terminal)  
**Proposed Zone:** 2(a) Residential

### **Background**

At its meeting of the 23<sup>rd</sup> March 2004, Council considered a report relating to the rezoning of the ex Oil Terminal site at South West Rocks for the purposes of residential subdivision. (*Appendix A*)

As advised to Council, subject to the issue of potential land contamination being determined in the process of the preparation of a draft Local Environmental Plan, there are no planning objections to the proposal.

Council subsequently resolved:-

*"That no action be taken until Council is provided with a report from the EPA specifying the findings of the preliminary investigations of the land carried out in accordance with EPA Guidelines."*

### **Applicant's Submission**

Following Council's decision of the 23<sup>rd</sup> March 2004, the applicant has made a further detailed submission which may be summarised as follows:- (*Appendix B*)

- 1 A variation to Council's Land Release Strategy is justified as the land is fully serviced for residential development; the land has full access to Phillip Drive; the land is currently in a degraded state; the location has high amenity due to proximity to Trial Bay; owners are committed to investigate and ensure appropriate remediation works are undertaken; the proposal is consistent with existing land use pattern in the area; and the proposal will facilitate a logical expansion of the existing urban area.
- 2 Whilst a Local Environmental Study is normally required as the land falls within the Coastal Zone, the Director General does have the discretion to waive the requirement if justified in the circumstances. As potential contamination is the only significant issue a Local Environmental Study should not be necessary.
- 3 A consultant has been engaged to undertake a remediation action plan for the land. A draft plan has been prepared which provides a description of the proposed remediation program. It is intended that the draft plan will be reviewed by an independent third party during the rezoning process.
- 4 The EPA are to provide a letter confirming the role of the agency in the rezoning process.
- 5 It is requested that the rezoning for the subject land be dealt with separately from the Local Environmental Study for the Saltwater Developments land to the south.

- 6 Concurrent changes to Council's residential land release strategy required to progress the rezoning.

**Planning Comment**

In considering the application at it's meeting of 23 March 2004, some Councillors raised concerns regarding Council's potential liability in the event standards were to change in the future so as to render the land contaminated.

It is considered that provided Council can demonstrate that it acted in good faith based on the best information available, that Council would not be liable in such circumstances.

Council's decision to prepare a draft Local Environmental Plan does not necessarily mean the land will be rezoned for residential purposes. Prior to final approval by the Minister, Council is required to consult with relevant agencies to ensure that all matters are covered prior to placing the draft Local Environmental Plan on public exhibition.

All matters raised by the agencies and public must be adequately addressed before the draft Local Environmental Plan can be considered for approval.

In respect to potential land contamination, the applicant is prepared to prepare all necessary reports for independent auditing. Council would need to be satisfied throughout the process that the land will be remediated prior to any subdivision occurring. Although it is unlikely to be necessary, Council may, at the applicants expense, commission it's own independent review of any reports.

Other measures that could be considered may be to investigate insertion of a clause prohibiting any development until the land has been remediated as determined by such a report.

Subject to the issue of potential contamination being adequately addressed, there are no other minor issues of environmental concern such that an Local Environmental Study is not considered necessary.

In respect to Councils previous resolution, the applicant has provided the preliminary reports relating to rehabilitation of the land and a letter from the EPA confirming that the EPA does not provide the reports referred to in Council's resolution. Such reports are provided by accredited consultants and the EPA describes the suggested process in their letter. (*Appendix P*)

**MOVED:**

*Moved: Cl. Sowter  
Seconded: Cl. Green*

**A If Council considers that the draft Remediation Plan and the letter from the EPA satisfy Councils resolution of 23<sup>rd</sup> March 2004.**

**1 That Council resolves to prepare a draft Local Environmental Plan to rezone the land for residential development.**

2 That DIPNR be requested to waive the need for a Local Environmental Study.

B If Council considers that the draft Remediation Plan and letter from the EPA does not satisfy Councils resolution of 23<sup>rd</sup> March 2004 it will be necessary to rescind the previous resolution if they wish to proceed with a draft LEP.

At this stage the Mayor advised that Council should deal with a late rescission motion in relation to this item.

2004. P93

**RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Sowter*

That this matter be dealt with at this meeting as it is deemed by the Mayor to be a matter of great urgency.

## LATE BUSINESS - RESCISSION MOTION

RM1 REZONING OF FORMER SHELL DEPOT – PHILLIP DRIVE,  
SOUTH WEST ROCKS  
FILE: LA18308 CLR HUNT

Notice is hereby given that we intend to move the following Rescission Motion at Planning Committee Meeting of Kempsey Shire Council on Tuesday 25<sup>th</sup> May 2004.

2004. P94

**RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Sowter*

That resolution number 2004.P57 from the Planning Committee Meeting held 23<sup>rd</sup> March 2004, as follows;

*“That no action be taken until Council is provided with a report from the EPA specifying the findings of the preliminary investigations of the land carried out in accordance with EPA guidelines.”*

be rescinded.

.....  
Councillor Hunt

.....  
Councillor Sowter

.....  
Councillor McWilliam

An Amendment was MOVED:

*Moved: Cl. Hunt  
Seconded: Cl. Green*

- A That Council considers that the draft Remediation Plan and the letter from the EPA satisfy Councils resolution of 23<sup>rd</sup> March 2004, and;
- 1 That Council prepares a draft Local Environmental Plan to rezone the land for residential development.
  - 2 That DIPNR be requested to waive the need for a Local Environmental Study.
  3. That the applicant provides a bank guarantee for the total cost of the remediation so that the remediation process will be completed irrespective of the outcome of the rezoning process.

The AMENDMENT was PUT to the MEETING and was CARRIED, and became the MOTION.

An Amendment was MOVED:

*Moved: Cl. Bowell  
Seconded: Cl. Gribbin*

That Council advise the applicant that a draft LEP to rezone the land for residential development will be prepared on receipt of the final audit for compliance with the requirement of the Remediation Plan.

The AMENDMENT was PUT to the Meeting and was LOST.

2004. P95

The MOTION was PUT to the MEETING and was CARRIED.

<b>DES3</b>	<b>11 UNITS / STRATA SUBDIVISION LOT 2034 DP 731059 No. 83 MITCHELL STREET, SOUTH WEST ROCKS FILE: T6-03-530 AD</b>	<b>{Folio No. 275448}</b>
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**SUMMARY:**

Reporting that Council has received amended plans for a Development Application for 11 units / strata subdivision considered at its meeting on the 27<sup>th</sup> April 2004. (*Appendix D*)



**Applicant:** South West Rocks Pty Ltd  
**Subject Land:** Lot 2034 DP 731059 No. 83 Mitchell Street,  
South West Rocks  
**Proposal:** 11 Units and Strata Subdivision  
**Zone:** 2 (B2) Residential "B2"

## **Heads of Consideration:**

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

The proposal is not contrary to any State Environmental Planning Policy (SEPP), North Coast Regional Environment Plan 1988 (NCREP 1988), or Kempsey Local Environment Plan 1987 (KLEP 1987) and is permissible with consent in the zone.

## **Background**

Council at its meeting on the 27<sup>th</sup> April 2004 resolved that:

"the matter be referred back to the applicant and they be invited to amend the application to Comply with Development Control Plan No. 22"

Previous issues relating to non-compliance with DCP 22 of the proposal included:

- Private Open Space;
- Long Walls;
- Solar Access; and
- Privacy

The applicant has since submitted amended plans and a written submission addressing the above in accordance with councils resolution of the 27<sup>th</sup> April 2004, which may be summarized as follows: ([Appendix E](#))

## **Private Open Space**

"The (previous) report noted that open space associated with Units 1, 2, 3, 5,8 and 11 did not comply with DCP 22. In regards to Units 1, 3 and 11 the courtyard areas have been modified to ensure compliance. The balconies for 2, 5 and 8 have been widened and extended so that each unit is provided with one balcony that complies with the 15m<sup>2</sup> requirement.

## **Long Walls**

The applicant has submitted amended plans providing offsets in all non-complying long walls ensuring the length of wall in any one plane is not longer than 20 metres, in compliance with the standards outlined in DCP 22.

## **Overshadowing**

The applicant in their submission has stated that:

*"The amended plans do not alter the extent of overshadowing of the property to the south, however ... the shadow cast by the proposal additional to the shadow cast by the fence (impacts) only on the northern most points of these*

units ... bedroom areas and rear section of courtyards of units 10 and 11. Each unit has a lounge room that faces south onto a private courtyard that is not affected by the proposal. It is submitted that given the location of living areas and primary open space areas in the adjacent development, the proposed meets the overshadowing provision of the DCP."

### Planning Comment

Given the minor encroachment of overshadowing of a small part of a proposed adjoining deck, it is considered reasonable for Council to accept the applicant's interpretation that the degree of overshadowing complies as the area of "primary open space" is unaffected. DCP 22 requires private open space to be directly accessible from internal living areas. The area of deck of the proposed adjoining unit which is directly accessible from the living areas is not affected by overshadowing. (*Appendix F*)

As previously advised, given the small area affected and the fact that a 3 storey building could be erected with greater overshadowing in compliance with DCP 22, refusal on such grounds is not considered to be justified.

2004. P96

### RESOLVED:

*Moved: Cl. Bowell  
Seconded: Cl. Sowter*

- A That consent be granted subject to the following conditions:**
- 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 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
  - 3 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.**
  - 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
  - 5 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.**
  - 6 The dwellings are not to be occupied until all conditions of Council's consent have been complied with to the**

satisfaction of Council and an Occupation Certificate has been obtained.

- 7 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.
- 8 Provision of a security deposit to Council totalling \$3,300 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.
- 9 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
  - a Installing a temporary structure on land.
  - b Carrying out water supply work.
  - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
  - d Carrying out sewerage work.
  - e Carrying out storm water drainage work.
  - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or

with a drain or sewer which connects with such a public drain or sewer.

**g Disposing of waste into a sewer of the Council.**

- 10 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.**

Details are to be submitted to Council prior to work commencing.

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

- 12 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.**

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

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

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

- 14 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.**

Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.

- 15 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.

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

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

- 17 If the soil conditions require it:-

(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.

- 18 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. Location shall relate to the development consent.

- 19 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard as specified by the assessment KEM/910 provided with the application.

- 20 Access from the street to the property boundary to be via a standard layback and full width concrete paving. Paving to be 125mm thick un-reinforced with construction joints to suit service trenches. Applicant is to consult Council's Environmental Services Department for details prior to commencing work on site.

- 21 Vehicular access from the street to the property boundary is to be via a heavy duty layback and full width 150mm thick reinforced concrete paving. A detailed plan is to be submitted prior to the release of the Construction Certificate.

- 22 All internal access-ways and parking spaces have been designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development to at least concrete paved standard.

- 23 Provision of a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways prior to occupation of the premises. Details are to be provided with the plans for the Construction Certificate.
- 24 Detailed plans prepared by a qualified engineer are to be submitted with plans for the required Construction Certificate providing for collection and retention of all storm water so as not to increase pre-development flow rates within a 1 in 10 year storm event in accordance with "*Australian Rainfall and Runoff*."
- 25 Roof-waters are to be connected to the existing storm water disposal system located in Mitchell Street. Details are to be provided with plans for the required Construction Certificate including the means of intercepting and disposing of any existing flows from any adjoining properties.
- 26 An interception drain at the boundary of the property to collect all storm water runoff from paved areas piped then discharged through the kerb via a standard converter, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.
- 27 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 28 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.
- 29 Provision of concrete kerb and gutter and extension of the existing bitumen seal to the new kerb and gutter to Council's Urban Standard at full cost to the applicant. Detailed plans to be submitted for approval prior to release of the Construction Certificate.
- 30 Provision of a sign at the front of the development indicating that visitor parking is available at the rear prior to occupation of the premises.
- 31 The plans prepared for the required Construction Certificate are to provide for a footpath across the full road 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.

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

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

- a Payment of a contribution towards the augmentation of sewerage head-works at the rate of \$2,171 per equivalent tenement, i.e.  $\$2,171 \times 10 \text{ E.T} = \$21,710$ . (Indexed 2003/2004)
- b Payment of a contribution towards district water at the rate of \$1,184 per equivalent tenement, i.e.  $\$1,184 \times 10 \text{ E.T} = \$11,840$ . (Indexed 2003/2004)
- c The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities 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 \$1,842 per additional dwelling unit, i.e.  $\$1,842 \times 10 \text{ E.T} = \$18,420$ . (Indexed 2003/2004)

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

- 33 Detailed engineering plans providing for the construction of footings of buildings in the vicinity of the inter-allotment storm water drainage easement are to be prepared and certified by a structural engineer and submitted for Council approval prior to release of the Construction Certificate.

- 34 Detailed engineering plans providing for construction of footings of buildings in the vicinity of private sewer line easements from Lots 2033 and 2035 DP 731059 are to be prepared and certified by a structural engineer and submitted for Council approval prior to release of the Construction Certificate. Where relocation of existing private sewer lines is proposed details are to be shown on plans submitted for approval.

- 35 Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 36 The hours of operation 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.
- 37 Building materials are not to be stored within the road reserve or any other public place.
- 38 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 39 The plans for the required Construction Certificate are to provide for all windows on the southern elevation of proposed Unit 2 to have sill heights of not less than 1.5 metres above the floor level.

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



**ADOPTION OF AGENDA ORDER OF BUSINESS**

2004. P97

**RESOLVED:**

*Moved: Cl. Bowell  
Seconded: Cl. Green*

That the Agenda Order of Business be adopted.

**DIRECTOR ENVIRONMENTAL SERVICES REPORT**

**DES1      REQUEST FOR REZONING OF FORMER SHELL DEPOT - PHILLIP DRIVE, SOUTH WEST ROCKS**  
**FILE: LA18308      RBP      {Folio No. 275443}**

This report was dealt with earlier in the meeting just after PUBLIC FORUM.

**DES2      DUAL OCCUPANCY - 37 STRAIGHT STREET, HAT HEAD**  
**FILE: T6-04-163      DEC      {Folio No. 275445}**

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MAYOR

## SUMMARY:

Reporting that Council has received an application to construct a dual occupancy in Hat Head, which requires a variation to Council's Development Control Plan 37 – Hat Head.



**Applicant:** Dick Vernon Constructions  
**Subject Land:** Lot 2 DP 758505  
37 Straight Street, Hat Head  
**Owner:** Mr D and Mrs S Vernon  
**Zone:** 2(v) (Village or Township Zone)

### Background

In 1993 Council approved the construction of two three (3) bedroom dwellings on the abovementioned site. The applicant has not completed the second dwelling, there is currently only two (2) bedrooms completed. The applicant could complete the development (3<sup>rd</sup> bedroom) as the development has substantially commenced.

### Proposed Development

The proposed development involves the demolition of the existing three (3) and two (2) bedroom dwellings on site and construction of a new two (2) and a new three (3) bedroom dwelling. (*Appendix C*)

### Heads of Consideration

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

### The Provisions of any Environmental Planning Instrument

The subject land is zoned 2(v) (Village or township Zone) under the Kempsey Local Environment Plan 1987. The proposal is permissible in the zone with the consent of Council.

The project is not contrary to any State Environmental Planning Policy or the North Coast Regional Environment Plan 1988.

### DCP 37 – Hat Head

Under the 'Servicing Strategy' of DCP 37, the proposed development does not place any additional loads (equivalent tenements) on Hat Head's sewerage infrastructure. No additional bedrooms are proposed to what already exists on site that has been approved by Council. On this basis, although the ultimate capacity of the sewerage system has not been determined, it is considered that the proposal should be considered under the provisions related to the 'Phase Two' development controls of DCP 37.

Phase two developments are required to comply with all development standards contained in DCP 37 and DCP 22. A minor variation to the site density requirements of DCP 37 is proposed.

### **Site Density**

Under DCP 37 the proposal requires a site area of 900m<sup>2</sup>. The site only provides for 849m<sup>2</sup>, resulting in a non-compliance of 51m<sup>2</sup> (5.6%). The applicant was asked to justify this non-compliance and provided the following comments:

*"We are aware of the site deficiency, but considering that there is a current building permit for the site to allow for 2/3 bedroom dwellings, we considered our amended plan for 1/3 bedroom and 1/2 bedroom dwelling an improvement on the approved plans.*

*The previous owners had made a substantial start on the approved plans and had constructed the garage to Dwelling 1 and the carport and shed to Dwelling 2.*

*If the owners wish, they could complete the approved work and have 2/3 bedroom dwellings on the site.*

*Therefore we believe that although the site now has a site deficiency of 51m<sup>2</sup> (5.6%) the proposed new development would provide a much better planned development, considering carparking, visitor parking, orientation of buildings and general appearance of the site, than the original project, especially considering we are providing one less bedroom than originally planned and approved."*

### **Comment**

It is considered that this minor deficiency in site area will not adversely conflict with surrounding housing and/or the village's character. The dwellings have been designed using predominately non-masonry materials, complimenting existing surrounding buildings. It is agreed that the design is superior to the development approval in 1993 which remains valid.

### **Visual Impacts**

The proposal is consistent with the visual requirements of DCP 37 it that it will not be visible from Hat Head Beach.

### **Stormwater Disposal**

The existing stormwater system approved by Council on site, from the corner of Fern and Straight Street to the rear of the property, was designed in accordance with 'Australian Rainfall and Runoff 1987'.

For new developments under DCP 37 'all stormwater shall be collected and disposed of wholly on-site'. As there is an existing disposal system servicing the site, it is considered reasonable to require the applicant provide

engineering details demonstrating that the existing stormwater system for the new development will still meet the above standard (and/or provide details of the upgrading required to meet this standard), prior to the release of the Construction Certificate.

### Tree Retention

The existing Banksia on site is to be retained. Landscaping on site is proposed to compliment the surrounding vegetation, details of which will be required prior to the release of the Construction Certificate.

### Building Design

The proposal has been designed using predominantly non-masonry materials, maintaining the character of the village.

### Access

DCP 37 requires careful consideration when access to a minor laneway is proposed. There is a minor access lane at the rear of the development. Originally, the applicant proposed to have a rear roller door on the garage of dwelling two, resulting in the potential to be used as a regular access. The applicant was advised that rear access was not encouraged and that the rear lane would require substantial upgrading, including dedication of land to Council. The applicant subsequently submitted amended plans providing for the deletion of the rear roller door and replacement with a standard sliding glass door, preventing the potential for permanent access from the rear lane to the garage.

### DCP No. 22 – Local Housing Strategy

In addition to DCP 37, all residential developments within Hat Head are subject to compliance with DCP 22 provisions:

Standard	Required	Proposed	Complies Y/N
<b>Density</b>	Refer to DCP 37		
<b>Setbacks</b> Side Front Rear	1.5m (2 <sup>nd</sup> storey) 5m 1.5m	1.5m 5m 3.3m	<b>Yes</b> <b>Yes</b> <b>Yes</b>
<b>Car Parking</b> • Resident  • Visitor • AS 2890.1	1 covered per dwelling  1 for development	1 covered for dwelling 1 & 2 covered for dwelling 2  2 visitor spaces Complies with turning arcs	<b>Yes</b>  <b>Yes</b> <b>Yes</b>
<b>Private Open Space</b>	25m <sup>2</sup> with 4m x 4m square. Front	>25m <sup>2</sup> with 4m x 4m square.	<b>Yes</b> <b>Considered</b>

	fence setback 1m.	Not entirely setback, however provision has been made at either end of fence for landscaping.	<b>adequate</b>
<b>Landscaping</b>	350m <sup>2</sup>	350m <sup>2</sup>	<b>Yes</b>
<b>Height</b>	6.2m	5.7m	<b>Yes</b>
<b>Solar Access</b>	15 points	Dwelling 1 = 22 Dwelling 2 = 18	<b>Yes</b>
<b>Privacy</b>	Adequate	Adequate	<b>Yes</b>
<b>Cut and Fill</b>	<1.5m	<1.5m	<b>Yes</b>
<b>Long Walls</b>	<20m	<20m	<b>Yes</b>
<b>Erosion and sediment control</b>	Section 4.10 DCP 22	To be conditioned	<b>Yes</b>
<b>Infrastructure</b>	Section 94 Contributions	Credit exists for two approved dwellings	<b>Yes</b>

### Public Exhibition

The development application was advertised in accordance with Council's Advertising Policy, with no objections being received.

### Conclusion

As two three bedroom dwellings have been previously been approved on the site it is considered that the proposal is consistent with DCP 37's Servicing Strategy.

The proposal requires a slight variation (51m<sup>2</sup> or 5.6%) to the site density requirements of DCP 37. It is considered that the applicant's justification to the variation is valid and the reduction will not result in any adverse impacts.

All other provisions of DCP 37 and DCP 22 have been adequately addressed (stormwater disposal to be approved prior to release of Construction Certificate).

2004. P98

**RESOLVED:**

*Moved: Cl. Howell  
Seconded: Cl. Sowter*

**That consent be granted subject to the following conditions:**

- 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 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**

- 3 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.
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 6 The dwellings are not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.
- 7 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.
- 8 Provision of a security deposit to Council totalling \$600 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.
- 9 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
  - a Installing a temporary structure on land.
  - b Carrying out water supply work.

- c Installing, altering, disconnecting or removing a meter connected to a service pipe.
  - d Carrying out sewerage work.
  - e Carrying out stormwater drainage work.
  - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
  - g Disposing of waste into a sewer of the Council.
- 10 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.
- Details are to be submitted to Council prior to work commencing.
- 11 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 12 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.
- 13 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:
- (a) preserve and protect such building from damage; and
  - (b) if necessary, underpin and support the building in an approved manner.
- Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).
- 14 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council. Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.

- 15 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.

- 16 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.

- 17 If the soil conditions require it:-

- (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.

- 18 Submission of a Schedule of Finishes with the plans for the required Construction Certificate indicating the colour and type of all finished surfaces.

- 19 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.

Walls	}
Roof	} As specified by the assessments
Wall	} dated 22/3/04, submitted with the
Roof	} application.
Ceiling	}
Hotwater	}

- 20 Access from the street to the property boundary to be via a standard layback and full width concrete paving. Paving to be 125mm thick unreinforced with construction joints to suit service trenches. Applicant is to consult Council's Environmental Services Department for details prior to commencing work on site.

- 21 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.

- 22 All internal accessways and parking spaces have been designed and constructed in accordance with Council's Engineering

Guidelines for Subdivision and Development to at least concrete paved standard.

- 23 Roofwaters are to be connected to the existing stormwater disposal system. Detailed engineering plans are required to be submitted for approval demonstrating that the stormwater disposal system is designed so as to ensure runoff will not increase pre-development flow rates during a 1 in 5 year storm event, in accordance with 'Australian Rainfall and Run Off 1987', prior to the release of the Construction Certificate.
- 24 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 25 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.

<b>DES3</b>	<b>11 UNITS / STRATA SUBDIVISION LOT 2034 DP 731059 No. 83 MITCHELL STREET, SOUTH WEST ROCKS FILE: T6-03-530 AD</b>	<b>{Folio No. 275448}</b>
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

<b>DES4</b>	<b>PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF A TWO STOREY DWELLING AND DETACHED GARAGE - 5 WILSON STREET, ARAKOON FILE: T6-04-127 DJW</b>	<b>{Folio No. 275449}</b>
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**SUMMARY:**

Reporting that a Local Development Application has been received to demolish an existing dwelling and build a two storey dwelling and garage The site coverage exceeds the maximum permitted under Development Control Plan No 22 Development Standards - Local Housing Strategy.



**Applicant:** Mr Michael Saunders  
**Subject Land:** Lot 20 DP 870912 No 5 Wilson Street, Arakoon

.....  
MAYOR

**Zone:** 2(a) Residential Zone

### **Proposed Development**

The proposal is to demolish the existing dwelling and build a two storey dwelling and detached garage on the abovementioned allotment.

### **Siting**

The site is a developed allotment situated on the southern side of Wilson Street. The land has a slight fall to the front in a northern direction; the property has street frontage of 30.24 m and a total site area of 608.27m<sup>2</sup>.

### **Heads of Consideration**

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

The proposal may be defined as 'dwelling house' and is permissible with consent in the 2(a) Residential "A" Zone under Kempsey Local Environmental Plan 1987.

The proposal is not contrary to any State Environmental Planning or North Coast Regional Environmental Plan 1988.

### **DCP No 22 - Local Housing Strategy**

The proposal is required to comply with the following requirements of DCP No. 22 -

*The location of the proposal is contained within a defined low-density area for which single dwellings only are permitted.*

An assessment of the proposal against the relevant Standards of DCP 22 results in the following:

<b>STANDARD</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIES Y/N</b>
<b>Density</b>	1 x 4 bedroom 500m <sup>2</sup>	608.27m <sup>2</sup>	Yes
<b>Setbacks</b>			
<b>Side</b>			
<b>East elevation</b>	3mm min	3m	Yes
<b>West elevation</b>	0.9 m min	0.9m	Yes
<b>Front</b>	3.5m	4.525m	Yes
<b>Rear</b>	1.5m min	>1.5m	Yes
<b>Car parking</b>	1 covered	2covered	Yes

		spaces	
<b>Landscaping</b>	165m <sup>2</sup>	> 165m <sup>2</sup>	Yes
<b>Height</b>	6.2m	5.5 m.	Yes
<b>Solar access</b>	15 points	15 points	Yes
<b>Privacy</b>	Adequate	Adequate	Yes
<b>Cut and Fill</b>	<1.5m	>1.5m	Yes
<b>Long Walls</b>	20m	<20m	Yes
<b>Access</b>	20%	19%	Yes
<b>Private open space</b>	25m <sup>2</sup>	>25m <sup>2</sup>	Yes
<b>Site Coverage</b>	182.5m <sup>2</sup>	276m <sup>2</sup>	No

### Site Coverage

As indicated in the table above, the proposal complies with DCP 22 except in respect to the dwelling's site coverage.

### Maximum Site Coverage

Comment:

It is considered the supporting documentation from Hadlow Design Services shows the variations meet the performance objectives of DCP 22, they are shown in ([Appendix G](#))

The site coverage exceeds the maximum by 15 %, it is considered the performance objectives have been met for the additional reasons:

- 1 The proposal does not effect the streetscape or neighbourhood when viewed from the Wilson Street or neighbouring streets
- 2 The proposed dwelling is compatible with the quality and style of the existing dwellings constructed in Wilson Street.
- 3 The building design reflects the performance objectives of the special provisions for South West Rocks
- 4 No objections have been received for the proposed development.

### Section 79c(1)(e) - Advertising

The proposal was advertised in accordance with the Environmental Planning and Assessment Act 1997 and Council's Policy with no objections received.

### Conclusion

It is considered reasonable for Council to permit a variation of building of 45% site coverage in this instance due to the circumstances of the case. It is further considered that the proposed development will not adversely affect the adjoining owners. Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979 and the relevant standards of DCP 22. It is recommend that the development application be approved subject to the following conditions.

### **Acting Directors Comment**

It should be noted that the maximum site coverage requirements applying to South West Rocks were not intended to restrict single dwelling development and were targeted at dual occupancy and other multi-dwelling developments. In this instance, the proposal meets the performance objectives of DCP 22 and no unacceptable impacts would result from the development.

2004. P99

### **RESOLVED:**

*Moved: Cl. Howell  
Seconded: Cl. McWilliam*

**That Development Application T6-04-127 be approved subject to the following conditions:**

- 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 garage is not approved for or to be used for human habitation, industrial or commercial purposes.**
- 3 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 4 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.**
- 5 The two storey dwelling and detached garage are 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.**

- 6 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.

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

**Inspections required:**

- (a) footings in position and prior to the pouring of concrete;
- (b) all steel reinforcement prior to the pouring of concrete;
- (c) wet area floor and wall surfacing prior to tiling;
- (d) completion of stormwater systems prior to backfilling;
- (e) prior to any wall linings the insulation shall be inspected, a ladder shall be provided at the final stage to provide access to the ceiling space or alternatively, a certification from a registered installer shall be submitted certifying the wall and ceiling installation complies with the approved single residence scorecard.

**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.

- 8 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

**Details are to be submitted to Council prior to work commencing.**

- 9 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work
- 10 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.
- 11 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.

- 12 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.

- 13 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, 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 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.
- d 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 the Building Code of Australia:-

- (1) D2.16
- (2) Part 3.9.1. and 3.9.2 of BCA Housing Provisions  
Note: Spacing of rails not to exceed 125mm.

- e 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.

- f** Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- g** 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.
- h** Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.
- i** 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.
- j** 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.
- k** Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
- l** The sub floor ventilation must comply with Part 3.4.1.2 a) b) c) d) e) f) and g) of the Building Code of Australia (Housing Provisions).
- m** Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
- n** Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- o** All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority and requirements of the Environmental Protection Authority.
- p** The existing dwelling being demolished and removed from the site prior on site eg. siltation fences etc.
- q** Demolition shall be limited to the hours of between 7.00am and 6.00pm weekdays, 7.00am and 1.00pm on Saturdays with no work being carried out on Sundays and Public Holidays.

- r Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601-1991 where applicable.
  - s Demolition shall be carried out in a safe manner without danger to the public.
  - t Prior to demolition commencing, the person causing the demolition to be carried out shall give written notice of his intention to the owners of any adjoining allotment of land seven days prior to the commencement of demolition work.
  - u Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when building work is not in progress or the site is otherwise unoccupied.
  - v A sign shall be erected on the site stating that unauthorised entry is not permitted.
  - w A sign shall be displayed on the site indicating the name of the builder or another person responsible for the site and a telephone number of which the builder or other person can be contacted outside normal working hours or when the site is unattended.
  - x A suitable hoarding shall be erected along the front boundary of the allotment to prevent unauthorised persons from gaining entry to the site.
  - y Any access to the site by way of temporary gates or movement of the fencing shall be directed into the site and shall not obstruct Council's footway.
- 14 A Survey Report is to be submitted on completion of ant capping to ensure the location of the building is in accordance with the approval issued.
- 15 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.
- |           |                        |
|-----------|------------------------|
| Walls     | Light/Medium Colour    |
| Roof      | Light Off White        |
| Wall      | FC + Sarking           |
| Roof      | Metal Deck and Anticon |
| Ceiling   | R1.5 Insulation        |
| Hot water | Solar Gas Boost        |
- 16 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.

- 17 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 Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 18 Roofwaters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.
- 19 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
  - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
  - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
  - ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 20 Under the provisions of AS3959-1999 – Construction of Buildings in Bushfire-Prone areas, the site has been determined as a high category of bushfire attack requiring level 2 construction. Your attention is drawn to the construction requirements as set out in Table 3.7.4.1 in Part 3.7 of the Building Code of Australia (Housing Provisions).

Councillor Gribbin recorded his vote against the foregoing Resolution.

**DES5**

**PROPOSED TWO STOREY DWELLING AND  
INGROUND SWIMMING POOL - LOT 1 DP 1067050  
RIVERVIEW PLACE, SOUTH WEST ROCKS**

**FILE: T6-04-148 DJW**

**{Folio No. 275450}**

**SUMMARY:**

Reporting that a Local Development Application has been received to build a Two Storey dwelling. The building height exceeds the maximum permitted under Development Control Plan No 22 Development Standards - Local Housing Strategy



**Applicant:** Mr M and Mrs H Jordan  
**Subject Land:** Lot 1 DP 1067050 Riverview Place,  
South West Rocks  
**Zone:** 2(a) Residential Zone

**Proposed Development**

The proposal is to build a two storey dwelling and in-ground swimming pool on the abovementioned allotment.

**Siting**

The site is a residue allotment that has approval to further sub-divide. The allotment is situated on the Eastern side of Riverview Place an unmade cul-de-sac. The land falls to the rear in an eastern direction, approximately 4 m over a distance of 44 metres, has an unmade cul-de-sac frontage and a total site area of 914m<sup>2</sup>. The land falls approximately 4 metres where the building is to be sited.

**Heads of Consideration**

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

The proposal may be defined as 'dwelling house' and is permissible with consent in the 2(a) Residential "A" Zone under Kempsey Local Environmental Plan 1987.

The proposal is not contrary to any State Environmental Planning or North Coast Regional Environmental Plan 1988.

**DCP No 22 - Local Housing Strategy**

The proposal is required to comply with the following requirements of DCP No. 22 -

*The location of the proposal is contained within a defined low density area for which single dwellings only are permitted.*

An assessment of the proposal against the relevant Standards of DCP 22 results in the following:

<b>STANDARD</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIES Y/N</b>
<b>Density</b>	1 x 6 bedroom 700m <sup>2</sup>	914m <sup>2</sup>	Yes
<b>Setbacks</b> <b>Side</b> <b>east elevation</b> <b>West elevation</b>	1.5m min 1.5m min	1.5m 1.57m	Yes Yes Yes Yes
<b>Front</b> <b>Rear</b>	5m 1.5m min	5.52m 1.8m	Yes Yes
<b>Car parking</b>	1 covered	2 covered spaces	Yes
<b>Landscaping</b>	165m <sup>2</sup>	> 165m <sup>2</sup>	Yes
<b>Height</b>	6.2m	6.8m.	No
<b>Solar access</b>	15 points	15 points	Yes
<b>Privacy</b>	Adequate	Adequate	Yes
<b>Cut and Fill</b>	<1.5m	<1.5m	Yes
<b>Long Walls</b>	20m	<20m	Yes
<b>Access</b>	20%	<20%	Yes
<b>Private open space</b>	25m <sup>2</sup>	>25m <sup>2</sup>	Yes
<b>Site Coverage</b>	30% of 914 =230.82m <sup>2</sup>	220m <sup>2</sup>	Yes

### **Building Height**

As indicated in the table above, the proposal complies with DCP 22 except in respect to the dwelling's building height.

### **Comment**

The building heights within various residential and commercial zones are controlled by Clauses 24 and 25 of Kempsey Local Environmental Plan 1987.

In respect to residential zones, buildings are restricted to two (2) storeys with a topmost floor ceiling level of not more than 6.2 metres above *natural ground level* unless the topography of the site makes compliance extremely difficult.

The applicant proposes a 6.8 building height for a small area of the balcony area (*Appendix H*) a minor variation due to the topography of the site, as described under heading "Siting" above.

It is considered the supporting documentation from Midcoast Design and Drafting shows the variations meet the performance objectives of DCP 22. (*Appendix I*)

Having regard for the steep slope, the need to avoid excessive excavation in an inherently unstable area, and the fact that only a small area is non-compliant, it is considered that the proposal complies with KLEP 1987 and the requirements of DCP 22.

#### **Section 79c(1)(e) - Advertising**

The proposal was advertised in accordance with Council's Policy with no objections received.

#### **Bushfire**

The application has been referred to the Rural Fire Service for comment. The dwelling is infill development with vegetation in close proximity to the proposed dwelling.

#### **Conclusion**

It is considered reasonable for Council to permit a variation of building height of 6.8m in this instance due to the circumstances of the case. It is further considered that the proposed development will not adversely affect the adjoining owners.

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979 and the relevant standards of DCP 22. After favourable comments from Rural Fire Service, it is recommended, that the development application be approved subject to the following conditions.

2004. P100

**RESOLVED:**

*Moved: Cl. Bowell  
Seconded: Cl. McWilliam*

**That subject to favourable comments being received from the Rural Fire Service, consent be granted subject to the following conditions.**

- 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 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 3 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.
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 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.
- 6 The two storey dwelling and inground swimming pool 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.

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

**Inspections required:**

- (a) footings in position and prior to the pouring of concrete;
- (b) all steel reinforcement prior to the pouring of concrete;
- (c) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;
- (d) wet area floor and wall surfacing prior to tiling;
- (e) completion of stormwater systems prior to backfilling;
- (f) prior to any wall linings the insulation shall be inspected, a ladder shall be provided at the final stage to provide

access to the ceiling space or alternatively, a certification from a registered installer shall be submitted certifying the wall and ceiling installation complies with the approved single residence scorecard.

(g) beams and joist piers to lining floor.

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.

8 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

Details are to be submitted to Council prior to work commencing.

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

10 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.

11 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

12 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, slab, concrete staircases, retaining walls, structural steel work and inground swimming pool 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.
- 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 the Building Code of Australia:-

- (1) Part 3.9.1. and 3.9.2 of BCA Housing Provisions

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
90	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 Class 1(a) and 1(b) Buildings

An automatic fire detection and alarm system is to be installed in the building. Such system to conform with Specification E1.7 of the Building Code of Australia or be a smoke alarm system complying with AS 3786 or listed in the SSL Register of Accredited Products.

The system is to be provided with mains electrical power, have a stand by power supply and installed in each storey to comply with Clause E1.7 (N.S.W. Variation). Details of location of the units are to be provided for approval prior to installation.

- k 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.
  - l Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
  - m The sub floor ventilation must comply with Part 3.4.1.2 a) b) c) d) e) f) and g) of the Building Code of Australia (Housing Provisions).
  - n Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
- 13 Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- 14 A Survey Report is to be submitted on completion of ant capping to ensure the location of the building is in accordance with the approval issued.
- 15 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.
- |           |                          |
|-----------|--------------------------|
| Walls     | Light Medium Colour      |
| Roof      | Light Off White          |
| Wall      | Brick Veneer and Sarking |
| Roof      | Tile to Sarking          |
| Ceiling   | R2.5 Insulation          |
| Hot water | Heat Pump                |
- 16 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.
- 17 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Rural Properties. Applicant is to consult Mr Tony

Castle of Council's Environmental Services Department for requirements before commencing construction.

- 18 Roof waters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.
- 19 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
  - a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
  - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
  - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
- ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.

#### **PLANS AND SPECIFICATIONS OF THE PROPOSED INGROUND SWIMMING POOL**

- 20 The pool is not to be filled with water until the fencing is erected.
- 21 The pool installation together with fencing and gates shall be in accordance with the Swimming Pool Act 1992 and Regulations and Council's Swimming Pool Code (copy of Code attached).
- 22 That the noise emanating from the swimming pool pump is not more than 5dB(A) above the background noise level at the boundary.
- 23 The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the

inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

**Inspections required:**

- (a) excavation prior to the installation of the pool;
- (b) all steel reinforcement prior to the pouring of concrete;
- (c) pool in position with fence and gates erected prior to filling with water.

**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.

- 24 Backwash and overflow waters from the swimming pool are to be discharged to the sewer.
- 25 A resuscitation chart shall be displayed in a prominent location to the satisfaction of Council.

Councillors Gribbin and Hunt recorded their votes against the foregoing Resolution.

<b>DES6</b>	<b>PROPOSED ADDITIONS TO DWELLING LOT 1 DP 588197 No 13 ALVERTON STREET, GREENHILLS FILE: T6-04-199 SNB</b>	<b>{Folio No. 275451}</b>
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**SUMMARY:**

Reporting that a Development Application has been received for approval to construct additions to an existing dwelling, which incorporates an open verandah that encroaches within the primary building line.



**Applicant:** C T Dew  
**Subject Land:** Lot 1 DP 588197 No 13 Alverton Street, Greenhills  
**Proposed:** Addition to Dwelling

The applicant has submitted an application to construct an addition to an existing dwelling, which comprises a bedroom, kitchen, and verandah. The proposed verandah will wrap around the eastern (side) and southern (front) walls of the existing dwelling.

The allotment is zoned 1d (Rural [Investigation]) in which a setback of 18 metres from the street frontage is required (the provisions of DCP 22 do not

apply). However the existing dwelling was built some time ago at a setback of only 4.75 metres from the front boundary and the proposed verandah would have a setback of 2.35 metres. The site plan indicating the proposed setbacks is appended to this report. (*Appendix J*)

The existing dwelling is a rather small asbestos cement clad structure. It is considered that the proposed additions incorporating the verandahs will significantly improve the overall appearance of the building. Other supporting factors include;

- The application was advertised, and adjoining neighbours were notified. No objections to the proposal were received.
- The proposed addition will enhance the appearance of the dwelling and the streetscape generally.
- There is no impact on traffic visibility.
- The dwellings in this area are widely spaced. Therefore there is little or no impact on adjoining properties.
- The land has an area of only 1858m<sup>2</sup> with a depth of any 30 metres.

2004. P101 **RESOLVED:**

*Moved: Cl. Howell*  
*Seconded: Cl. Sowter*

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

- 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 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 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.**
- 4 The additions are 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.**

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

Inspections required:

- (a) footings in position and prior to the pouring of concrete;

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.

- 6 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

Details are to be submitted to Council prior to work commencing.

- 7 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.

- 8 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

- 9 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 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.
- b 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.

**c Class 1(a) and 1(b) Buildings**

An automatic fire detection and alarm system is to be installed in the building. Such system to conform with Specification E1.7 of the Building Code of Australia or be a smoke alarm system complying with AS 3786 or listed in the SSL Register of Accredited Products.

The system is to be provided with mains electrical power, have a stand by power supply and installed in each storey to comply with Clause E1.7 (N.S.W. Variation). Details of location of the units are to be provided for approval prior to installation.

**d Roofwaters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.**

Councillor Hunt recorded his vote against the foregoing Resolution.

<b>DES7</b>	<b>PROPOSED FARM SHED - LOT 3 DP 703291 NO 254 BACK CREEK ROAD, KINCHELA FILE: T6-04-224 JGR</b>	<b>{Folio No. 275452}</b>
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**SUMMARY:**

Reporting that Council has received an application to construct a large farm shed in the Kinchela Creek area.



**Applicant:** Brown Constructions  
**Owner:** Lisa Busby  
**Subject Owner:** Lot 3 DP 703291 No 254 Back Creek Road, Kinchela  
**Size of Allotment:** 4.5 hectares  
**Zone:** 1(A3) Rural

**Description of the Proposal**

The proposal is to erect a very large enclosed shed, at the end of Back Creek Road, Kinchela.

The structure will be 67.5 metres long by 27 metres wide, the floor area of the shed will be 1700m<sup>2</sup> with the roof apex approximately 5.2 metres high.

.....  
**MAYOR**

It is proposed to clad the shed with zincalume with stormwater disposed of into the adjacent water course.

Given the size of the shed in comparison to the size of the agricultural holding (4.5 hectares) the owner was requested to provide a submission detailing the proposed use of the shed. (*Appendix K*) The owner has confirmed that an area 27 x 54 metres (ie. 1458m<sup>2</sup>) will be used as an all weather riding area for their own personal use, with the rest of the shed being used to store miscellaneous items associated with the farm.

### **Matters for Council Determination**

The 1700m<sup>2</sup> shed is proposed on a 4.5 hectare rural 1(a3) zone land. It will be approximately 150 metres from the nearest neighbouring dwelling.

The objectives of the zone are:

- (a) to conserve land particularly suitable for agricultural uses.
- (b) to provide for compatible uses and
- (c) to protect arterial road frontages from developments which are visually intrusive or which generate excessive traffic.

It is considered that the main objectives for the zone will be met. The building will be approximately 800 metres from the main arterial road (South West Rocks Road). Given this distance the bulk and scale of the building will be lessened to some degree. Council may request a landscaping plan, which provides for suitable plants which may be used to screen or soften the impact of such a large building.

If the shed was to be used for commercial purposes such as equestrian events the following are considered as potential impacts:

- 1 Traffic issues in respect to condition of existing road.
- 2 Parking issues.
- 3 Noise for neighbouring residents.

**2004. P102 RESOLVED:**

*Moved: Cl. Howell  
Seconded: Cl. Howell*

**Should Council resolve to approve the application the following conditions should be imposed:**

- 1 The shed is not to be used for industrial or commercial purposes. The riding arena shall be for the use of the owner of the subject land only. The building is not to be used for the purposes of teaching or holding any horse related events.**
- 2 Provide structural engineering details for:**
  - i. steel frame**
  - ii. bracing**
  - iii. footings**

- 3 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.
- 4 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.
- 5 The shed 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.

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

Inspections required:

- (a) footings in position and prior to the pouring of concrete;

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.

**DES8 PROPOSED OCCUPATION OF A CARAVAN AND AWNING  
 LOT 20 DP 255098 No. 1 KIMPTON STREET,  
 STUARTS POINT  
 FILE: T6-04-240 SNB {Folio No. 275453}**

**SUMMARY:**

Reporting that a Development Application has been received for approval to install a caravan and associated awning in the rear yard of the property for which an objection has been received.



**Applicant:** N. D. and J. M. Green  
**Subject Land:** Lot 20 DP 255098 No. 1 Kimpton Street Stuarts Point  
**Proposal:** Installation of a caravan and associated awning

.....  
 MAYOR

The applicant has submitted an application to install a caravan and associated awning in the rear yard of the property. This application was required because the proposed installation does not satisfy the exemption provisions under clause 12 of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995, as the caravan is to be occupied by persons other than the owner or members of the owner's household.

Approval is sought to permit two persons to occupy the caravan for a period of up to four months while the property owners are away on holidays. The owners have advised that they wish to have someone living at the property during this time for security, but without providing access to the dwelling. An approved shed with toilet and shower, connected to a septic system is located at the rear.

The application was advertised in accordance with Council's Public Notification Policy and two objections from adjoining neighbours were received. These objections are appended to this report. (*Appendix L*) The grounds on which the first objection is based relate to concerns about the potential overloading of the on-site sewage management (septic) system. However, the occupancy levels of the property would remain unchanged at two persons since the caravan would only be occupied while the owners are away. In any case the septic system is capable of treating and disposing of waste water for more than two persons. The second objection relates to the intended occupancy of the caravan not being members of the owner's household. Whilst this a valid point that necessitated the submission of a Development Application provided the dwelling is not occupied and the caravan is not occupied for more than 4 months by not more than two (2) persons, no adverse impacts on the amenity of the neighbourhood are likely.

**MOVED:**

*Moved: Cl. Sowter  
Seconded: Cl. Gribbin*

**That consent be granted subject to the following conditions:**

- 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 occupation of the caravan is for a maximum period of four months while the owners are away from the property on holidays by a maximum of two persons. The occupation is to cease immediately upon the owners return.**
- 3 All waste water is to be discharged to the existing on-site sewage management (septic) system.**

**An Amendment was MOVED:**

*Moved: Cl. Gribbin  
Seconded: Cl. \**

**That consent be granted subject to the following conditions:**

- 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 occupation of the caravan is to cease and is to be removed upon the owners return.
- 3 All waste water is to be discharged to the existing on-site sewage management (septic) system.

The Amendment LAPSED for want of a seconder.

2004. P103 The MOTION was PUT to the MEETING and was CARRIED.

DES9	NATIONAL COASTAL COUNCIL CONFERENCE HOBART 2004 FILE: C11-8 RFK (NRN)	{Folio No. 275454}
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**SUMMARY:**

Reporting on the attendance of the Australian National Coastal Council Conference 2004 'The Second Decade', held in Hobart from the 19<sup>th</sup> to 23<sup>rd</sup> April 2004.



The Australian National Coastal Council Conference was held in Hobart, Tasmania. Councils General Manager Mr Allan Burgess and Environmental / Sustainability Officer, Mr Ron Kemsley attended.

The overall theme of the conference was The Second Decade – Coastal Planning and Management in Australia Towards 2014. The conference featured keynote speakers, platform presentations, interactive presentations, poster presentations, case studies and coastal field trips.

The conference provided people and/or organisation working in Coastal Management the latest insight and knowledge on coastal management initiatives at local, state and federal levels.

After the initial welcome and opening of the Conference by Honourable Dr Kemp, Federal Minister for the Environment; keynote speakers included, Dr. Silvia Earle (Explorer In-residence, National Geographic) who provided an overview of the USA Sustainable Seas Program and Prof Bruce Thom (University of NSW) who was advocating the development and adoption of a National Coastal Policy.

The conference was programmed with 'stream sessions' that allowed a wide range of presentations by expert coastal managers. Stream sessions included; adapting to climate change, natural resource management across the catchment-coast-ocean continuum, information, education and cultural change and understanding and integrating indigenous issues. A number of

the stream/workshop session's focussed on the role of Local Government in Coastal Management highlighting issues such as increasing demands on limited LG resources and development and population pressures.

Of particular interest, was the presentation on the Derwent Estuary Program, as Council is in the early process of developing an Estuary Management Plan for the Macleay River. Councils Environmental Officer attended a field trip on the Derwent River. During the field trip discussion took place on the management of estuarine ecosystem, water quality, catchment issues, industry effluent, stormwater and sewerage management, foreshore development and wetland management. However, the developed Management Plan for the Derwent Estuary is not **statutorily binding**, as it is not linked to any of the six (6) Local Governments adjoining the Derwent Estuary LEPs. If the Macleay River Estuary Management Plan is to be a relevant document it must be linked to, or be acknowledged by Councils LEPs.

The General Manager went on the Community Participation in Coastal Management Field trip and visited a number of sites that had community groups working on foreshore reserves to protect and enhance the environment. All the groups were experiencing similar problems of having project areas located outside Hobart in largely remote areas populated by retirees and people with holiday shacks. It was difficult for the groups to keep members for any length of time except for a core of dedicated workers, funding from the State Government was always uncertain and the problem of public liability insurance was forcing them to become a Committee of National Parks when they wanted to remain independent.

Further in Councils interest, delegates were provided copies of the discussion paper – **Framework for a National Cooperative Approach to Integrated Coastal Zone Management.** (*Appendix M*) This document was prepared by the Intergovernmental Coastal Advisory Group (ICAG) on Integrated Coastal Zone Management, which identifies a range of objectives and measures for consideration by the Australian Government. Following consideration of stakeholder feedback on the Discussion Paper, the ICAG will develop an Implementation Plan for consideration by the Natural Resource Ministerial Council.

Advice has also been received that the NSW Coastal Conference is the beheld in Lake Macquarie, NSW from 9-12 November 2004. Council may wish to be represented at the Conference.

2004. P104 **RESOLVED:**

*Moved: Cl. Sowter  
Seconded: Cl. Hunt*

**That the information be noted.**

<b>DES10</b>	<b>REVIEW OF DCP 30 - EXEMPT AND COMPLYING DEVELOPMENT</b>
	<b>FILE: T4-40 RBP</b>
	<b>{Folio No. 275455}</b>

## **SUMMARY:**

Reporting that draft amendments to DCP 30 - Exempt and Complying Development within Kempsey Shire have been exhibited with a number of submissions received.



## **Background**

At its meeting of the 23<sup>rd</sup> March 2004, Council resolved to place draft DCP 30 - Exempt and Complying Development on public exhibition for a period of 28 days, incorporating a number of amendments.

For the benefit of the new Councillors, a copy of the report which details the amendments proposed in the draft DCP is attached. (*Appendix N*)

The bold-faced writing indicates exhibited draft amendments with recommended changes to the draft indicated in a separate distinctive font.

The previous report may be summarised as follows:-

- Complying Development relates to only minor developments with minimal environmental impacts which may be undertaken provided a set of predetermined development standards are complied with.
- Due to the minimal likely impacts, Complying Development does not require neighbour notification.
- Complying Development Certificates must be issued within seven (7) days of receipt of an application.
- Proposed amendments are seeking to increase utilisation of Complying Development in order to achieve considerable efficiency gains without sacrificing proper assessment of more complex proposals.
- Council previously resolved to appoint a Complying Development Officer in order to deal with the number of applications anticipated which is subsequently included in the 2004/05 Budget.
- Council has also resolved to increase delegations to the General Manager to approve Development Applications that comply with policies, even where objections are received, and to refuse applications that do not comply with Council's policies resulting in unacceptable impacts, whether or not objections are received.
- Some relaxation of restrictions relating to water, sewer and stormwater lines.
- Allowing Complying Development on flood prone land provided done in strict compliance with Council's Flood Risk Management Policy.

- Excluding Complying Development from areas subject to bushfire hazard.
- Complying Development to comply with Deemed-to-Satisfy requirements of the Building Code of Australia.
- Inclusion of reference to lapsing of Complying Development Certificates as provided for under the Environmental Planning and Assessment Act.
- Inclusion of additional definitions.
- Complying Development allowed on lots over 1,000m<sup>2</sup> in residential areas.
- Complying Development only allowed in residential areas where any existing or new dwelling is connected to Council's sewer system.
- Maximum floor level above the ground increased from 0.5 to 1 metre for single storey dwellings.
- Maximum roof pitch increased provided complies with height requirements.
- Wall lengths increased to be consistent with DCP 22.
- Maximum site coverage requirements of DCP 22 for South West Rocks included.
- Restrictions on outbuildings in South West Rocks included in accordance with DCP 22.
- Stormwater provisions included to be consistent with DCP 36.
- Restrictions on proximity of windows to adjoining windows relaxed with inclusion of additional privacy screens.
- Maximum cut and fill increased to 1 metre in accordance with minimum floor area requirements.
- Use of external metal wall cladding restricted to 30% for Complying Development.
- Preliminary acid sulfate soil assessment required for Complying Development in acid sulfate soil affected areas.
- Two storey dwellings permitted on rural allotments as Complying Development.
- In rural areas, approval to operate any existing onsite sewerage system required before any Complying Development Certificate can be issued.

- Swimming pools not permissible between dwelling and any street frontage as Complying Development.
- Additional restrictions on bed and breakfasts involving buildings of more than 300m<sup>2</sup> due to fire safety requirements.
- Restrictions on the use of Complying Development for industrial development relating to access and parking, setbacks, bulk and scale and stormwater disposal.
- Changes to mandatory conditions to meet current legislative requirements have been incorporated.
- Minor adjustments to Exempt Development included relating to heat pump water systems, agricultural buildings, pergolas and patios, barbeque areas, awnings, demolition, garden sheds and the like, satellite dishes, signs and subdivisions.

### Public Exhibition

The Draft DCP was exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulation with four (4) submissions having been received which may be summarised as follows: *(Appendix O)*

Submission	Planning Comment
<p><b>1 South West Rocks Ratepayers and Citizens Association Inc.</b></p> <p>(a) Public Notification Policy needs updating. Neighbours should be notified, whether or not the development complies.</p>	<p><b>1</b></p> <p>(a) Complying Development should only apply in situations where the potential impacts on neighbours are minimal.</p> <p>It is considered that the proposed predetermined standards will prescribe development which would have minimal impacts on neighbours.</p> <p>Compared to other Councils such as Hastings, which approves 70% of applications as Complying Development, the draft DCP is conservative and is aiming at 30%.</p> <p>Complying Development must be approved within 7 days of receipt and is open to private certification.</p>

(b) Development Control Officers should not decide who should get notified. All neighbours should be notified in line with other forward moving Shire's.

(b) It is not possible to define "affected owners" in a Policy as the area of impact will vary depending on the nature and scale of development as well as particular topographic features of a neighbourhood.

Council currently advises owners immediately adjoining a development which is often extended when impacts may be more widespread.

A move towards more neighbour notification for less complex developments is contrary to Council's objective of making the development assessment process more efficient without sacrificing proper assessment. This approach is shared by most progressive Council's in the Region (see Acting Director's Comment).

(c) Any slight modification of a development or imposition of a condition to overcome an objection must be discussed with the owner before approval is given.

(c) The current provisions allowing approval of Local Development applications under delegated authority where the objection can be overcome by "slight" modification of a development or by imposing a condition is usually done in consultation with the objector.

Such opportunities should be retained to reduce unnecessary reporting of DA's to Council (See Acting Directors Comment).

(d) Periods of exhibition should relate to working days. Never seen an exhibition of 14 or 28 days.

(d) Council is obliged to determine development applications within 40 days, even where objections are received. Council's 10 day period is considered to be adequate and is in line with other Councils.

The 14 and 28 day periods relate to developments requiring

advertising under the Environmental Planning and Assessment Act.

This draft DCP for example, must be advertised for at least 28 days.

It should be noted that where objections are received within the minimum period and the application cannot be approved under delegated authority, it is Council's practice to receive objections up until the business paper is prepared which effectively extends the allowed time. Perhaps this should be included in the Policy by way of clarification of actual practices.

(e) The whole perimeter of South West Rocks is environmentally sensitive and Complying Development should not be allowed.

(e) Environmentally sensitive areas are those areas zoned for such purposes. In South West Rocks, these include zones 7(a) & 7(d) only.

In any event, Complying Development will not apply in these areas as they will fall within the buffer areas prescribed by Council's Bush fire Prone Lands Map.

(f) Who is the delegated authority and to which Department would the officers be attached?

(f) Council has delegated these authorities to the General Manager who will in turn delegate them to staff in the Environmental Services Department (See Acting Directors Comment).

(g) Amendments have been developer driven. Controls need to be strengthened not watered down to make the job of the Environmental Services Department easier.

(g) The proposed amendments have been driven out of a need for Council to introduce efficiencies for a range of factors, the end result of which is to provide the best service possible with available resources (See Acting Directors Comments).

Again, it must be stressed that Complying Development only applies to straight forward proposals.

<p><b>2 Karen Gribbin - Same points as raised in the Ratepayers Submission.</b></p>	<p><b>2 See 1 above.</b></p>
<p><b>3 Friends of South West Rocks</b></p>	<p><b>3</b></p>
<p>(a) Efficiencies will not be achieved in areas affected by SEPP 71 and other legislation not incorporated in Kempsey Local Environmental Plan 1987.</p>	<p>(a) Only 2 storey or more developments within "sensitive coastal locations" are affected by SEPP 71.</p> <p>It is not proposed to permit two storey dwellings as Complying Development in residential zones and therefore SEPP 71 does not apply.</p> <p>A Provision should be included to exclude two storey dwellings as Complying Development in sensitive coastal locations in the rural zones. Other relevant State Policies are incorporated in DCP 30.</p>
<p>(b) Kempsey Local Environmental Plan 1987 needs to be updated.</p>	<p>(b) Noted.</p>
<p>(c) BBQ's near boundaries should be controlled.</p>	<p>(c) Consideration was given in 1999 to having minimum setback requirements for BBQ areas which was considered to be unnecessary.</p> <p>Council has not received any complaints concerning noise from BBQ areas which would not be attenuated on small residential lots by arbitrary setbacks.</p>
<p>(d) Colourbond fences should be controlled.</p>	<p>(d) DCP 30 exempts fencing based on height. Colourbond fencing is freely available and obviously popular and any controls based on type would not be justified.</p>
<p>(e) Skylight windows overlooking neighbours should not be exempt.</p>	<p>(e) Skylight windows face the sky and allow light to penetrate the roof cavity to internal rooms and do not impact on privacy.</p>

(f) Subdivisions should be notified.

(g) Windows and Doors, especially at first floor should be notified.

(h) Flood level of 2.5 metres is too high.

(i) Dwelling extensions, carports garages and outbuildings should not be Complying Development if views are obstructed.

Any window to a room in the roof would constitute a second storey and therefore Complying Development provisions would not be utilised.

(f) Subdivisions can only occur on land zoned for such purposes following various investigations. Impacts on neighbours relate to noise, dust, runoff, smoke etc and are adequately controlled by the Protection of the Environment Operations Act.

(g) Replacement windows only are exempt.

In respect to Complying Development, standards relating to the need for windows to be offset from adjoining windows are included.

There is a potential for side-facing doors to impact on privacy and similar provisions requiring offsets to adjoining doors or windows could be included.

(h) The 2.5 metre limit is in Council's Flood Risk Management Policy and is a maximum which prohibits dwellings on land subject to greater inundation.

To be considered as Complying Development, the floor level must be not more than 1.0 metre above ground level. In compliance with Council's Flood Risk Management Policy this would equate to a maximum inundation of only 0.5 metres.

(i) The potential for any loss of views is greatly reduced where buildings are single storey only; external walls are restricted to 2.4 metres for outbuildings and 3.4 metres for dwelling additions and the setback requirements of DCP 22 are met (See Acting Directors

(j) Changes of use of Industrial Buildings should not be Complying Development due to potential impacts on neighbours.

(k) If any objections are received the application should be referred to Council.

Comment).

Note: There is an error on Page 23 of the draft DCP relating to the maximum height of the roof ridge in residential zones which should be 5.1 metres, not 7.9 metres being the maximum allowable rise of 1.7 metres above the maximum allowable height to the eaves of 3.4 metres.

(j) Issues such as impacts on neighbours are assessed during rezoning and subdivision stages for Industrial Areas.

Other "existing use" industrial uses are not Complying Development.

Food preparation and car repair stations which involve potential pollution considerations are not proposed to be Complying Development.

Any other issues relating to pollution can be dealt with under the Protection of Environment Operations Act.

It must be stressed that Council has received very few complaints concerning pollution emanating from any industrial premises.

(k) Council's primary role is to set policies by which applications are assessed. It is at policy formulation stage that Council makes the decision as to what it sees as appropriate development. At its meeting of 13 April 2004, Council resolved to delegate to the General Manager authority to approve all development applications, except where objections are received and which do not comply with Council's Policies.

In cases where an application

	complies with all relevant policies, approval will be granted under delegated authority, whether or not objections are received, provided no adverse impacts would result from the development.
(l) Period of exhibition should be extended to 14 days.	(l) See point 1(d) above.
(m) Clearing should not be considered as Exempt or Complying Development.	(m) Clearing is not Exempt or Complying Development. Certain clearing requires consent under Council's Tree Preservation Order and notification is not considered necessary.
(n) Erection of structures in Caravan Park and Mobile Home Estates should not be Exempt or Complying Development.	(n) Erection of such structures are exempt under SEPP 21 - Movable Dwellings which overrides Council's controls and therefore do not require notification.
(o) DCP 30 should not apply in South West Rocks which is an environmentally sensitive area.	(o) DCP 30 applies to all areas zoned for rural and residential purposes. DCP 30 does not apply to environmentally sensitive zones. (See point 1(e)).
<b>4 Gunn and Scott Architects</b>	<b>4</b>
(a) Kempsey Local Environmental Plan 1987 needs to be brought up to date.	(a) Kempsey Local Environmental Plan 1987 sets the zoning and other development control provisions for the Shire. DCP 30 would operate whether or not those provisions are revised.
(b) South West Rocks is an environmentally sensitive area and DCP 30 should not apply.	(b) See 1(e) and 3(o) above.
(c) Airconditioners and heat pumps should not be exempt due to potential noise.	(c) The 3 metre setback applying to such units means that careful placement is needed in residential areas to avoid the need for a development application.  Heat pumps have been added due to similar potential impacts.  The 3 metre setback was derived

- |  |  |
|--|--|
|  | from Best Practice Guidelines which ensures that adequate distance is provided to attenuate noise to within Environment Protection Authority criteria. In the event units are non-compliant with manufactures specifications and Environment Protection Authority limits are exceeded, the Protection of Environment Operations Act provides Council with the powers to require additional amelioration or relocation. |
| (d) Barbeques should not be exempt if too close to neighbours. | (d) See Point 3(c) above.  |
| (e) Colourbond fences should not be exempt.                    | (e) See Point 3(d) above.  |
| (f) Subdivision should not be exempt.                          | (f) The exemptions relate to consolidation of lots, creation of a public reserve, rectification of an encroachment and widening of a road, all of which are exempted under SEPP 4. DCP 30 contains the same provisions.  |
| (g) Larger replacement windows should not be exempt.           | (g) Agreed. The replacement of windows by larger windows has the potential to impact on privacy which should be assessed through a Development Application and the draft has been amended accordingly. A Complying Development Certificate could be obtained if the window meets the prescribed off-set standards.   |
| (h) Flood level too high for Complying Development.            | (h) See Point 3(h) above.  |
| (i) Any filling should require consent.                        | (i) Provided rainwater runoff would not be impeded as prescribed, the placement of 200 mm of fill is unlikely to impact on stormwater and flooding patterns and should remain exempt.  |

Where complaints are received,

(j) Additions to dwellings should not be exempted due to privacy threats.

(k) Industrial buildings should not be Complying Development.

(l) Subdivision should not be Complying Development.

(m) If objections received, application should be determined by Council.

(n) Demolitions, relocations and alterations should be advertised in absence of heritage protection.

(o) Clearing should be notified.

(p) Any increase in density of use of caravan parks should be notified.

and impede is resulting from fill, Council retains the right to ask for a development application. In practice, difficulties have been overcome by requesting modifications so as not to impede flows.

(j) The provisions which only relate to single storey dwellings in residential areas, are not new and have been in place since 1999.

The changes reflect the current requirements of DCP 22 and, provided additions comply with the standards, few adverse impacts are likely.

(k) See Point 3(j) above.

(l) Only boundary adjustments and subdivision of development which have been completed in accordance with a Council consent can be dealt with as Complying Development. Those provisions have been in place since 1999.

(m) See Point 1(b) and 3(k) above.

(n) Council officers retain the ability to notify where there is likely to be public interest as was the case with the School House at South West Rocks.

(o) See Point 3(m) above.

(p) Consent is required including notification to expand or increase site numbers in caravan parks.

Placement of structures on approved sites does not require consent. See Point 3(n) above.

### Acting Directors Comment

As reported to Council at its meeting of 24<sup>th</sup> February 2004, a comprehensive review of processes in the Environmental Services Department has identified the need for several key reforms in order to focus on all performance measures identified in Council's Management Plans. These performance measures include a range of planning, environmental and public health and safety matters.

Other measures which are being implemented include:-

- Appointment of a Complying Development Officer to deal with the expected increase in Complying Development from 3% to 30% approved in the 2004/05 Budget.
- Increased delegations to approve and refuse applications.

Other reforms which are yet to be implemented include increasing opportunities for private certification of subdivision construction certificates and increased computerisation of the development application approvals system.

The proposed amendments to DCP 30 are a pivotal part of a raft of measures to reorganise the Department so as to meet increasing statutory obligations and community expectations relating to the range of services provided by Department in a climate characterised by general staff and resource shortages.

Increased utilisation of Complying Development removes minor development from the Local Development Application process and places the onus on the developer to provide greater detail to enable assessment and issuing of Complying Development Certificates within seven days.

The efficiencies achieved by increasing Complying Development from approximately 3% to 30% are expected to be considerable and result in savings which will more than offset the cost of the Complying Development Officer. Additional resources would also be freed up to address other important public health and safety matters for which the Department is responsible.

It is considered that the proposed amendments will achieve these efficiencies, whilst retaining the role of Council in considering more complex applications.

If any difficulties result from the amendments, Council has the ability to request a review. Council may also consider introducing further opportunities for Complying Development where additional benefits are evident.

**MOVED:**

*Moved: Cl. Howell  
Seconded: Cl. Sowter*

**A That Council resolve to adopt the Draft Development Control Plan the subject of this report, effective from the date of public notification.**

- B That the people who made submissions be thanked for their input.**
- C That a review of the effectiveness of the changes be carried out and reported to Council within 12 months of the revised Plan becoming effective.**

**An Amendment was MOVED:**

*Moved: Cl. Gribbin  
Seconded: Cl. \**

**That the General Manager and Director of Environmental Services hold a workshop and explain to the new Councillors the reasons for these amendments before Council adopts this Draft Development Control Plan.**

**The AMENDMENT lapsed for want of a SECONDER.**

**2004. P105 The MOTION was PUT to the MEETING and was CARRIED.**

**Councillor Gribbin recorded his vote against the foregoing Resolution.**

<b>DES11</b>	<b>STAFF MATTERS</b>	<b>FILE: S10-45</b>	<b>RBP (NRN)</b>	<b>{Folio No. 275456}</b>
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**SUMMARY:**

Reporting on current vacancies in the Environmental Services Department, associated impacts on workloads and difficulties in finding suitable staff.



Council recently received the resignation of Andre Dalton who is a Development Control Planner in the Environmental Services Department.

Council should be aware of the difficulties Council has experienced in attracting and retaining qualified town planning, building and development engineering staff.

In respect to particular positions, the following comments are made:-

- Strategic Planner - this position has been vacant since February 2004 with strategic planning functions, including continued processing of rezoning applications, preparation of briefs and liaison with consultants being undertaken on a restricted basis by the Development Control Planners and Acting Director of Environmental Services. The replacement, Ms Prue Keen is to commence on the 17<sup>th</sup> May 2004.

- Development Planner - currently being advertised. The responsibilities of this position will be transferred to the remaining Development Control Planner (Dan Croft) and the Planning Compliance Officer (Greg Long). Compliance functions are to be curtailed until a suitable replacement is found.
- Development Engineer - this position has been vacant since February 2004 and Council is having no luck in attracting any suitably qualified and experienced staff. The functions of this position have been taken up by the remaining Development Engineer (Tony Castle) with some functions being undertaken by clerical staff.
- Complying Development Officer - this position is a new position which will be responsible for the passage of Complying Development Certificates through Council which, subject to proposed amendments to DCP 30 - Exempt and Complying Development, will greatly improve the efficiency of the Development Assessment Processes of the Department. The position has been advertised since early March 2004 and, whilst a number of enquiries have been made, no applications have been submitted to date.
- Planning Manager - this is a short term position pending appointment of a Director of Environmental Services and was previously held by the Acting Director of Environmental Services. The position has been vacant since January 2004 and prior to that time from September to November 2003. This role is currently being undertaken by the Acting Director of Environmental Services and Building Manager (Ken Ward). Mr Ward has also taken up responsibility for supervising the Rangers to help offset the Planning Manager's workload as the Acting Director of Environmental Services.

### **Acting Director's Comments**

Council should be aware of the difficulties currently being experienced by all Councils in attracting and retaining qualified and experienced staff in the fields of Development Control Planning including subdivision development and building control.

A study by the Planning Institute of Australia reported recently to the National Conference in Hobart indicates that there are currently 700 vacancies for Planners alone throughout Australia which represents approximately 20% of all positions. The report indicates that these vacancies are particularly acute in respect of planners with experience of 10 years or more. The reasons attributed to these vacancies by the Report include:-

- Extreme development pressures, particularly along the Coast.
- A lack of understanding of the planners role and of Council's role as the planning authority by Councillors.
- Lack of remuneration as compared to the private sector.

- Being caught between community, developer and Councillor expectations.

In addition to these factors, on the basis of discussions with staff who have resigned recently, there are a range of additional factors operating at Kempsey Council including:-

- Lower relative salary packages to metropolitan and other regional Councils.
- Low relative staff numbers compared to other Councils resulting in a higher workload.
- Lack of availability of suitable housing.
- Lack of opportunities for employment for spouses.
- Lack of incentives such as motor vehicles etc.

Whilst Council will continue to make efforts to appoint the vacant positions, it is important that Council agrees to proposed reforms in respect of increasing Complying Development so as to achieve efficiencies.

Council should also be mindful that increased delay in processing of applications can be expected and that such delays are placing further stress on staff.

**Director Environmental Services Recommendation:**

**For Council's information.**

2004. P106

**RESOLVED:**

*Moved: Cl. Sowter  
Seconded: Cl. Bowell*

**That the information be noted.**

**Councillor Sowter declared an interest in the following item for the reason that he has developments involved in the report and retired from the Chamber.**

**DES12 BUILDING AND DEVELOPMENT**  
**FILE: B9-2 RBP (NRN) {Folio No. 275457}**

**SUMMARY:**

Reporting that the following applications have been approved:

**Council Report on Local Development Application**



Reporting that the following applications have been approved

2003/LD-00607 4 HOUISON PLACE SOUTH WEST ROCKS  
DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION  
Owner: VAN DE VELDE R & SHELTON A  
Builder: 0

2003/LD-00727 23 PACIFIC STREET CRESCENT HEAD  
DWELLING  
Owner: WILLIAMS H  
Builder: 0

2003/LD-00839 6 MARSH STREET WEST KEMPSEY  
DEMOUNTABLE BUILDING  
Owner: CHRISTIAN ISRAELITE CHURCH TERRIGAL  
Builder: 0

2003/LD-00840 39A LACHLAN STREET SOUTH KEMPSEY  
VEHICLE REPAIRS AND PART SALES  
Owner: HACKENBERG A & K  
Builder: 0

2003/LD-00872 Lot 146 DPDP754423 BELMORE RIVER  
BOUNDARY ADJUSTMENT  
Owner: KELSO P & CASULA M  
Builder: 0

2003/LD-00882 81 OCEAN STREET SOUTH WEST ROCKS  
2 STOREY DWELLING  
Owner: ANGUS B & M

2004/LD-00002 6 NORTH STREET FREDERICKTON  
TWO LOT SUBDIVISION  
Owner: HARROWER B R  
Builder: 2

2004/LD-00006 109 GREGORY STREET SOUTH WEST ROCKS  
PRIVATE STORMWATER LINE  
Owner: HARDWICK T & WHITBREAD E&E  
Builder: 0

2004/LD-00017 Lot 45 DP752439 YARRAVEL  
CIVIL CONSTRUCTION STAGE 2B  
Owner: GRIFFIN NT

2004/LD-00038 36 QUEEN STREET SOUTH KEMPSEY  
RELOCATE DWELLING  
Owner: O'BRIEN R & B  
Builder: 0

2004/LD-00039 36 QUEEN STREET SOUTH KEMPSEY  
SUBDIVISION  
Owner: O'BRIEN R & B

Builder: 2

2004/LD-00045 68 EDGAR STREET FREDERICKTON  
SUBDIVISION/BOUNDARY ADJUSTMENT  
Owner: YARNOLD M  
Builder: 0

2004/LD-00057 35 KOROGORA STREET CRESCENT HEAD  
DWELLING ADDITIONS  
Owner: LEWIS N & L  
Builder: 0

2004/LD-00065 20 CECIL BALDWIN CLOSE WEST KEMPSEY  
DUPLEX UNITS & TORRENS SUBDIVISION  
Owner: MAGILL ED, FERRY PJ & SCALLEAT  
Builder: 2

2004/LD-00066 21 CECIL BALDWIN CLOSE WEST KEMPSEY  
DUPLEX UNITS & TORRENS SUBDIVISION  
Owner: MAGILL EC, FERRY PJ & SCALLEOT J  
Builder: 2

2004/LD-00068 160 KINCHELA CREEK LEFT BANK RD KINCHELA  
FLOOD MOUND  
Owner: STUMPS H & E B  
Builder: 0

2004/LD-00076 6 CECIL BALDWIN CLOSE WEST KEMPSEY  
DWELLING AND ATTACHED GARAGE  
Owner: RORY PTY LTD

2004/LD-00077 7 CECIL BALDWIN CLOSE WEST KEMPSEY  
DWELLING AND ATTACHED GARAGE  
Owner: RORY PTY LTD

2004/LD-00081 21 KINCHELA STREET GLADSTONE  
BUSINESS- ALTERATIONS TO INTERNAL WALLS  
Owner: LAND R  
Builder: 0

2004/LD-00084 15-17 CHAPMAN STREET FREDERICKTON  
SUBDIVISION  
Owner: GROTH D & B  
Builder: 2

2004/LD-00114 30 BISSETT STREET EAST KEMPSEY  
ADDITIONS TO EXISTING SHED  
Owner: VAN GELDER W & D  
Builder: 0

2004/LD-00120 4 MARRIOTT STREET SOUTH WEST ROCKS

DWELLING  
Owner: OSBORNE M & C

2004/LD-00125 7 BELMORE STREET SMITHTOWN  
DWELLING ADDITIONS  
Owner: MCKIERNAN J & R

2004/LD-00130 34 DENNIS CRESCENT SOUTH WEST ROCKS  
DWELLING & ATTACHED GARAGE  
Owner: SMITH G & R  
Builder: 0

2004/LD-00134 10 MULBURY PLACE EUROKA  
DWELLING & DETACHED GARAGE  
Owner: ROBERTS D C  
Builder: 0

2004/LD-00135 47 BELMORE STREET SMITHTOWN  
DEMOLITION, DWELLING ADDITIONS & TANK WITH STAND  
Owner: EDWARDS L K  
Builder: 0

2004/LD-00146 77 LEITH STREET WEST KEMPSEY  
DWELLING & DETACHED GARAGE  
Owner: PATERSON A W  
Builder: 0

2004/LD-00155 79 MULBURY PLACE EUROKA  
DWELLING & DETACHED GARAGE  
Applicant: TAMBLYN S  
Builder: 0

2004/LD-00159 17 MARLIN DRIVE SOUTH WEST ROCKS  
SWIMMING POOL  
Owner: HENRY R & S  
Builder: 0

2004/LD-00161 3 SALMON CIRCUIT SOUTH WEST ROCKS  
CELLAR IN EXISTING DWELLING  
Owner: SMITH K & MCDONALD R  
Builder: 0

2004/LD-00167 Lot 23 DP1031988 JOHN LANE ROAD YARRAVEL  
DWELLING & ATTACHED GARAGE  
Owner: MCCOWAN A & L  
Builder: 0

2004/LD-00168 1-7 MAIN STREET WILLAWARRIN  
DWELLING ADDITIONS  
Owner: RUDDER D  
Builder: 0

2004/LD-00171 4 TREVOR JUDD AVENUE SOUTH WEST ROCKS

DWELLING  
Owner: SHARROCK R & K  
Builder: 0

2004/LD-00173 78 ARTHUR STREET SOUTH WEST ROCKS  
CARPORT & GLASS ENCLOSURE  
Owner: PIGOTT J & J  
Builder: 0

2004/LD-00178 8 NANCE ROAD SOUTH KEMPSEY  
BOUNDARY ADJUSTMENT  
Owner: PREEN HOLDINGS P/L & LLOYD LH & EM  
Builder: 0

2004/LD-00185 10 ROBINSON PLACE SOUTH WEST ROCKS  
DWELLING  
Owner: BRODERICK N  
Builder: 0

2004/LD-00189 Lot 17 DP860423 GRANTS CLOSE SOUTH KEMPSEY  
DETACHED GARAGE  
Owner: BROWN R & K

2004/LD-00190 8 BELLE O'CONNOR STREET SOUTH WEST ROCKS  
SWIMMING POOL  
Owner: COLQUHOUN S & BARBER D  
Builder: 0

2004/LD-00191 7 GIBLIN PLACE DONDINGALONG  
RELOCATE COTTAGE  
Owner: FISHER G & M

2004/LD-00192 1137 PACIFIC HIGHWAY BELLIMBOPINNI  
MACHINERY SHED  
Owner: SOWTER B C/- SECOMB AJ

2004/LD-00195 58 CYRUS SAUL CIRCUIT FREDERICKTON  
ABOVE GROUND SWIMMING POOL  
Owner: NEWBY E & Z  
Builder: 0

2004/LD-00197 25 CREEK STREET HAT HEAD  
GARAGE  
Owner: KENNEDY N A  
Builder: 0

2004/LD-00201 726 TEMAGOG ROAD TEMAGOG  
RABBIT SHED  
Owner: URBAN R & M

2004/LD-00209 40 BELMORE STREET SMITHTOWN  
CARPORT  
Owner: WOODS C

Builder: 0

2004/LD-00211 Lot 3 DP1043473 SMITHS CREEK ROAD  
KUNDABUNG  
SWIMMING POOL  
Owner: TAYLOR A & L  
Builder: 0

2004/LD-00214 63 INCHES ROAD VERGES CREEK  
SHED & CARPORT  
Owner: HUCKSTEPP L J & P R

2004/LD-00215 15 BELLE O'CONNOR STREET SOUTH WEST ROCKS  
GARAGE  
Owner: WILLATS A & J  
Builder: 0

2004/LD-00220 Lot 3 DP1062980 BUNYA PINE COURT WEST  
KEMPSEY  
DWELLING AND ATTACHED GARAGE  
Owner: ABRIC P & WRIGHT C

2004/LD-00223 41 MULBURY PLACE EUROKA  
DWELLING & SHED  
Owner: TRUSZ L & SMITH D  
Builder: 0

2004/LD-00226 2 JAMES GRIMWADE PLACE EAST KEMPSEY  
RETAINING WALL  
Owner: COOPER S  
Builder: 0

2004/LD-00228 15 BELLE O'CONNOR STREET SOUTH WEST ROCKS  
PATIO ROOF  
Owner: WILLATS J & A

2004/LD-00229 10 BELLE O'CONNOR STREET SOUTH WEST ROCKS  
SWIMMING POOL  
Owner: ATKINSON T & G

2004/LD-00230 10 STRAIGHT STREET HAT HEAD  
DEMOLITION OF EXISTING DWELLING & CONSTRUCTION  
OF NEW DWELLING  
Owner: NOLAN G & D  
Builder: 0

2004/LD-00232 27 POLWOOD STREET WEST KEMPSEY  
GARAGE  
Owner: SILLITOE D & M  
Builder: 0

2004/LD-00233 2396 SOUTH WEST ROCKS ROAD KINCHELA  
SWIMMING POOL  
Owner: BAKEWELL R & J & LONG Y  
Builder: 0

Summary Type	No	Value
Local Development Application	55	4672220

As at 14 May 2004 220 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 108

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	1
FD	Further Details Req	67
IA	Incomplete Application	18
OA	Other Agencies	13
RC	Refer Council	1
XX	No Reason Given	8

### **Council Report on Construction Certificate Building**

Reporting that the following applications have been approved

2003/CB-00204 111 SMITH STREET KEMPSEY  
DWELLING  
Owner: ANDERSON P & N

2003/CB-00728 Lot 55 DP843499 GOWINGS HILL ROAD  
DONDINGALONG  
DWELLING & GARAGE  
Owner: MACDONALD A

2003/CB-00736 81 OCEAN STREET SOUTH WEST ROCKS  
DWELLING  
Owner: ANGUS B & M

2004/CB-00007 109 GREGORY STREET SOUTH WEST ROCKS  
PRIVATE STORMWATER LINE  
Owner: HARDWICK T & WHITBREAD E&E

2004/CB-00033 36 QUEEN STREET SOUTH KEMPSEY  
RELOCATE DWELLING  
Owner: O'BRIEN R & B

2004/CB-00042 5 MCINTYRE STREET SOUTH WEST ROCKS  
RURAL FIRE SHED EXTENSIONS  
Owner: KEMPSEY SHIRE COUNCIL

2004/CB-00050 35 KOROGORA STREET CRESCENT HEAD  
DWELLING ADDITIONS

Owner: LEWIS N & L

2004/CB-00060 20 CECIL BALDWIN CLOSE WEST KEMPSEY  
DUPLEX UNITS & TORRENS SUBDIVISION  
Owner: MAGILL ED, FERRY PJ & SCALLEAT

2004/CB-00062 21 CECIL BALDWIN CLOSE WEST KEMPSEY  
DUPLEX UNITS & TORRENS SUBDIVISION  
Owner: MAGILL EC, FERRY PJ & SCALLEOT J

2004/CB-00063 7 CECIL BALDWIN CLOSE WEST KEMPSEY  
DWELLING AND ATTACHED GARAGE  
Owner: RORY PTY LTD

2004/CB-00064 6 CECIL BALDWIN CLOSE WEST KEMPSEY  
DWELLING AND ATTACHED GARAGE  
Owner: RORY PTY LTD

2004/CB-00091 48-50 BARNARD STREET GLADSTONE  
GARDEN CENTRE/ NURSERY  
Owner: BARBER M

2004/CB-00103 30 BISSETT STREET EAST KEMPSEY  
ADDITIONS TO EXISTING SHED  
Owner: VAN GELDER W & D

2004/CB-00109 7 BELMORE STREET SMITHTOWN  
DWELLING ADDITIONS  
Owner: MCKIERNAN J & R

2004/CB-00112 4 MARRIOTT STREET SOUTH WEST ROCKS  
DWELLING  
Owner: OSBORNE M & C

2004/CB-00113 2 GOTHIC STREET SOUTH WEST ROCKS  
SUBDIVISION & DUAL OCCUPANCY & BOUNDARY  
ADJUSTMENT  
Owner: FAINT R & J

2004/CB-00118 34 DENNIS CRESCENT SOUTH WEST ROCKS  
DWELLING & ATTACHED GARAGE  
Owner: SMITH G & R

2004/CB-00122 47 BELMORE STREET SMITHTOWN  
DEMOLITION, DWELLING ADDITIONS & TANK WITH STAND  
Owner: EDWARDS L K

2004/CB-00123 10 MULBURY PLACE EUROKA  
DWELLING & DETACHED GARAGE  
Owner: ROBERTS D C

2004/CB-00130 77 LEITH STREET WEST KEMPSEY  
DWELLING & DETACHED GARAGE

Owner: PATERSON AW

2004/CB-00133 41 NEVILLE MORTON DRIVE CRESCENT HEAD  
DWELLING & GARAGE  
Owner: CLONDA M

2004/CB-00138 79 MULBURY PLACE EUROKA  
DWELLING & DETACHED GARAGE  
Applicant: TAMBLYN S

2004/CB-00142 17 MARLIN DRIVE SOUTH WEST ROCKS  
SWIMMING POOL  
Owner: HENRY R & S

2004/CB-00143 73 LIKA DRIVE SOUTH KEMPSEY  
DWELLING & ATTACHED GARAGE  
Owner: MORRISON L & B

2004/CB-00145 3 SALMON CIRCUIT SOUTH WEST ROCKS  
CELLAR IN EXISTING DWELLING  
Owner: SMITH K & MCDONALD R

2004/CB-00149 Lot 23 DP1031988 JOHN LANE ROAD YARRAVEL  
DWELLING & ATTACHED GARAGE  
Owner: MCCOWAN A & L

2004/CB-00150 1-7 MAIN STREET WILLAWARRIN  
DWELLING ADDITIONS  
Owner: RUDDER D

2004/CB-00153 4 TREVOR JUDD AVENUE SOUTH WEST ROCKS  
DWELLING  
Owner: SHARROCK R & K

2004/CB-00154 78 ARTHUR STREET SOUTH WEST ROCKS  
CARPORT & GLASS ENCLOSURE  
Owner: PIGOTT J & J

2004/CB-00162 10 ROBINSON PLACE SOUTH WEST ROCKS  
DWELLING  
Owner: BRODERICK N

2004/CB-00164 8 BELLE O'CONNOR STREET SOUTH WEST ROCKS  
SWIMMING POOL  
Owner: COLQUHOUN S & BARBER D

2004/CB-00166 Lot 17 DP860423 GRANTS CLOSE SOUTH KEMPSEY  
DETACHED GARAGE  
Owner: BROWN R & K

2004/CB-00167 7 GIBLIN PLACE DONDINGALONG  
RELOCATE COTTAGE  
Owner: FISHER G & M

- 2004/CB-00168 1137 PACIFIC HIGHWAY BELLIMBOPINNI  
MACHINERY SHED  
Owner: SOWTER B C/- SECOMB AJ
- 2004/CB-00170 58 CYRUS SAUL CIRCUIT FREDERICKTON  
ABOVE GROUND SWIMMING POOL  
Owner: NEWBY E & Z
- 2004/CB-00171 25 CREEK STREET HAT HEAD  
GARAGE  
Owner: KENNEDY N A
- 2004/CB-00176 726 TEMAGOG ROAD TEMAGOG  
RABBIT SHED  
Owner: URBAN R & M
- 2004/CB-00179 40 BELMORE STREET SMITHTOWN  
CARPORT  
Owner: WOODS C
- 2004/CB-00182 Lot 3 DP1043473 SMITHS CREEK ROAD  
KUNDABUNG  
SWIMMING POOL  
Owner: TAYLOR A & L
- 2004/CB-00183 63 INCHES ROAD VERGES CREEK  
SHED & CARPORT  
Owner: HUCKSTEPP L J & P R
- 2004/CB-00187 15 BELLE O'CONNOR STREET SOUTH WEST ROCKS  
GARAGE  
Owner: WILLATS A & J
- 2004/CB-00190 10 BELLE O'CONNOR STREET SOUTH WEST ROCKS  
SWIMMING POOL  
Owner: ATKINSON T & G
- 2004/CB-00191 Lot 3 DP1062980 BUNYA PINE COURT WEST  
KEMPSEY  
DWELLING AND ATTACHED GARAGE  
Owner: ABRIC P & WRIGHT C
- 2004/CB-00194 41 MULBURY PLACE EUROKA  
DWELLING & SHED  
Owner: TRUSZ L & SMITH D
- 2004/CB-00195 15 BELLE O'CONNOR STREET SOUTH WEST ROCKS  
PATIO ROOF  
Owner: WILLATS J & A
- 2004/CB-00196 2 JAMES GRIMWADE PLACE EAST KEMPSEY  
RETAINING WALL

Owner: COOPER S

2004/CB-00197 10 STRAIGHT STREET HAT HEAD  
DEMOLITION OF EXISTING DWELLING & CONSTRUCTION  
OF NEW DWELLING  
Owner: NOLAN G & D

2004/CB-00200 27 POLWOOD STREET WEST KEMPSEY  
GARAGE  
Owner: SILLITOE D & M

2004/CB-00201 2396 SOUTH WEST ROCKS ROAD KINCHELA  
SWIMMING POOL  
Owner: BAKEWELL R & J & LONG Y

Summary Type	No	Value
Construction Certificate Building	49	0

As at 14 May 2004 209 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 57

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	2
DA	DA Approval Required	2
DR	DA Requirements	4
FD	Further Details Req	37
IA	Incomplete Application	7
OA	Other Agencies	1
RC	Refer Council	1
XX	No Reason Given	3

**Director Environmental Services Recommendation:**

**That the information be noted.**

**2004. P107 RESOLVED:**

*Moved: Cl. Green  
Seconded: Cl. Bowell*

**That the information be noted.**



**2004. P108 RESOLVED:**

*Moved: Cl. Bowell  
Seconded: Cl. Sowter*

**That the date for workshop on structural reform be set for the completion of the July Planning meeting 27<sup>th</sup> July 2004.**



## URGENT BUSINESS

2004. P109 RESOLVED:

*Moved: Cl. Sowter  
Seconded: Cl. Howell*

That this matter be dealt with at this meeting as it is deemed by the Mayor to be a matter of great urgency.

2004. P110 RESOLVED:

*Moved: Cl. Sowter  
Seconded: Cl. Howell*

That tacit approval be given to a reallocation of funds to enable works to proceed on:-

1. The parenting room, - funds to be reallocated from

\$ 315.22	Safer Cities (190714)
\$1,586.46	Other Cultural Events (231611)
\$2,138.06	River Festival (231610)
\$ 500.00	Watuma (231805)
\$ 432.90	Respite Care Building (190706)
\$ 400.00	Active Australia Projects (190727)
\$2,000.00	Life Education Caravan (190730)
<u>\$1,000.00</u>	Breast Screen Van (180318)
\$8,372.64	
2. Urgent works at East Kempsey Cemetery to the car park from the unexpended funds at Kinki Cemetery \$5,000, and
3. That the unexpended working funds allocated to the capital works at Frederickton Cemetery be re-voted for 2004/05.
4. All of the above shall be subject to a detailed report to Council.



## QUESTIONS WITHOUT NOTICE

Councillor J H Howell

Councillor Howell was advised:

1. The Director Environmental Services advised that an application to modify consent had been received by Council in regards to the matter of filling works at John Brady's of Belmore River and that Council had asked for further information, which has not been received as yet.

Council's Compliance Officer has been asked to follow this up as a matter of urgency.

2. The Director of Environment Services advised that Council must provide information requested from the public under Section 12 of The Local Government Act Council must provide the information but needs to have a Senior Officer to supervise copying etc.
3. The Director Environmental Services advised that the fees for the provision of this information are set in Councils Fees & Charges schedule.

Councillor E A Green

Councillor Green was advised:

1. The Director Environmental Services advised that Residential zones are covered by Council's Tree Preservation Order, coastal scrub and subdivided rural areas are not covered by this Tree Preservation Order.
2. Councillor Sowter advised (on behalf of the Sale Yards Committee) that in relation to the noise and smell problems arising from the Sale Yards for residences in Bunya Pines Estate - there is ongoing improvement of site Management Plan. The truck wash is going to be upgraded and they are sweeping the yards out to reduce the amount of waste going into the effluent ponds. The building has been specifically designed to lower noise levels from the public address system.
3. The Director Environmental Services advised that Council's meeting agendas are on the website and they contain listings of the development applications and that the Director Environmental Services would investigate the matter of putting development applications on Council's website and report back to Council.

Councillor J C Gribbin

Councillor Gribbin was advised:

1. In reply to Councillor Bowell's question regarding South West Rocks Ratepayers Association – the meeting was supposed to be one held with the General Manager and 3 other people.
2. Councillor McWilliam advised that the permit for burning off waste from land clearing must be obtained prior to commencement of any burning off and the party in question did obtain a permit. The Director of Environmental Services advised that the land involved was from an old subdivision and that the land at Arakoon is subject to a recent consent that does not allow disposal by burning. All recent approvals contain such a restriction.
3. The Director Environmental Services advised that some building sites at South West Rocks have security fencing and not others as it depends

on what type of construction is taking place on the blocks and the requirement for fencing is covered by WorkCover Authority.

Councillor B R Sowter

Councillor Sowter was advised:

The Director Environmental Services advised that Council is still awaiting advice from the Barrister regarding the subdivision of blocks in flood prone land in Smithtown.



### **ADJOURNMENT FOR WORKS INSPECTION**

**At this stage 11.00 a.m. the Meeting adjourned for Morning Tea and Works Inspection and upon resumption at 1.30 p.m. all present at the adjournment were in attendance.**



**At this stage matters referred from the Works Committee were dealt with.**



### **MATTERS REFERRED TO PLANNING MEETING FROM WORKS INSPECTION**

<b>1</b>	<b>SMITHTOWN WHARF FILE: W5</b>
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#### **SUMMARY:**

Report of Council Meeting of 12th February 2004.



2004. P111

#### **RESOLVED:**

*Moved: Cl. Sowter  
Seconded: Cl. Bowell*

**That the Smithtown Wharf Committee be thanked for their efforts via The Mayor's Column and a letter to the committee.**

<b>2</b>	<b>GLADSTONE RIVERSIDE PARK - PRIVET TREES FILE: T11-4</b>
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#### **SUMMARY:**

Reporting on Question Without Notice from Councillor Sowter of Council's Ordinary Meeting of 12th February 2004.



2004. P112 **RESOLVED:**

*Moved: Cl. Sowter  
Seconded: Cl. McWilliam*

1. That authority to remove the trees be granted.
2. That an approach be made to Country Energy to remove the trees as a training exercise or as a community service.
3. That if Country Energy do not accept the offer the Gladstone Tidy Towns Committee be invited to have the trees removed professionally.

**3 BELMORE RIVER RIGHT BANK ROAD - REQUEST TO  
EXTEND SEALING  
FILE: R/B BELMORE**

**SUMMARY:**

Report from Council's Ordinary Meeting 12th February 2004.



2004. P113 **RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Bowell*

1. That further investigation of this matter, including traffic counts, be conducted and a report be prepared for a future meeting of Council.
2. That the landholders be approached regarding a contribution towards a dust seal along this section of road.

**4 DANGEROUS TREES  
FILE: T11-4**



2004. P114 **RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Bowell*

That the list held by Council prioritising dangerous trees be reported to Council to include the tree opposite 73 Tozer Street and the privet trees in Gladstone park.



2004. P115    **RESOLVED:**

*Moved: Cl. Hayes  
Seconded: Cl. Green*

**That the Community Safety Council scheduled for 1st June 2004 be rescheduled for 2.00pm Thursday 10th June 2004 and the public meeting to discuss the 2004/05 Management Plan is scheduled for 6.00pm Thursday 10th June in the Council Chambers and Committee Room.**



**CONCLUSION:**

**There being no further business, the Meeting terminated at 1.46 p.m.**

