



MINUTES OF THE PLANNING COMMITTEE MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 26th August 2003 commencing at 9.07am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Howell, R J Bowen, T Hunt, P J Parkinson, B R Sowter and J Sproule.

General Manager, A V Burgess; Director Environmental Services, B W Casselden; Ken Woods and Donna Pearson.



Before the commencement of the Meeting Council observed one minute silence in memory Hastings Councillor Wayne Richards.



APOLOGY:

2003. *

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Bowen*

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



ASSESSMENT OF ITEMS LISTED IN CONFIDENTIAL BUSINESS PAPER

2003. *

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Sproule*

That the items listed in the confidential section of the business paper remain in confidential section.

MOVED:

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

That DES1 in confidential be moved to Open Council.

The MOTION was PUT to the Meeting and was LOST.

Councillor Howell recorded his vote against the foregoing Resolution.

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MINUTES OF THE PLANNING COMMITTEE MEETING OF KEMPSEY SHIRE COUNCIL DATED 22ND JULY 2003.

2003. *

RESOLVED:

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

That the Minutes of the Planning Committee Meeting of Kempsey Shire Council dated 22nd July 2003, be adopted with the addition of the following dot points of issues covered;

- health services funding
- funding for the Pacific Highway past 2006



PUBLIC FORUM

Mr Jock Palmer addressed Council regarding DES7 (page G50) Proposed Industrial Rezoning, Pacific Highway, South Kempsey and NOM1 (page D1) Representations to Minister for Roads.



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM

2003. *

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Sowter*

That the reports relating to Public Forum be considered in conjunction with the relevant Director's reports – NOM1 and DES7 and that these two items be dealt with together.



NOM1	REPRESENTATIONS TO MINISTER FOR ROADS
FILE: LA6183 MEI	(NRN) {Folio No. 259875}

- “1. That representations be made to the Minister for Roads Carl Scully MP with a request that the matter of the requirements of the Roads and Traffic Authority of NSW in respect to the development of an industrial subdivision, which will depend on access from the Pacific Highway South of Kempsey, be determined as a matter of urgency.
2. That Mr Andrew Stoner MP Member for Oxley be invited to support Council in its representations.”

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NOTE:

The land in question is owned by Galban Pty Ltd and is situated on the eastern side of the Pacific Highway where the road divides.



DES7	PROPOSED INDUSTRIAL REZONING, PACIFIC HIGHWAY, SOUTH KEMPSEY	{Folio No. 259887}
	FILE: T5-81 MEI	

SUMMARY:

Reporting on issues relating to a proposed industrial rezoning covering an area of over 60 hectares on the Pacific Highway, South Kempsey.



Council first considered this proposal at its meeting of 12 June 2001 (*Appendix J*). At that point the proposal was at a very preliminary stage with none of the necessary studies done and only a general concept plan prepared. Council resolved:

“That Council support the proposal in principle subject to the necessary studies and assessments being undertaken to enable formal consideration of the proposal”.

Following that resolution consultation was undertaken with the relevant state agencies and Council Departments to ascertain the matters required to be addressed in a rezoning application of this type. The responses were forwarded to the proponent, who employed the consultants GHD of Coffs Harbour to provide the information required in Council’s resolution above.

GHD provided Council with their report in May 2003, addressing those matters listed in the June 2001 report. The report offers the following:

1. Highway Access - It is proposed to use the existing vehicle access between the highway carriageways during construction and the early development phase. However, it is stated that it would be necessary over time to improve the site access, in conjunction with the highway upgrade.
- 2 Ecology - No threatened flora or fauna, ecological communities or populations were found on the site. There is an area on the site which constitutes potential koala habitat and which is likely to provide habitat to a local population. The study recommends vegetation on the eastern and southern boundaries be retained as habitat and movement corridors.

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- 3 Archaeology - No artifacts of indigenous origin were identified and the site is considered to have a very low potential for archaeological material.
- 4 Geotechnical Assessment - Preliminary soil sampling of the site was undertaken as part of the highway upgrade investigation. As a result no Geotechnical constraints to future industrial development are anticipated.
- 5 Impact on existing industrial land in Kempsey. The report states that there will be a shortage of industrial zoned land by 2021 if no further land is appropriately zoned.
- 6 Servicing and Infrastructure - The report notes that the subject land is not currently serviced by a reticulated sewer or water supply. It is estimated that these could be supplied at a total cost of \$2.6 million. However, the report also notes that the South Kempsey sewage works only has a spare capacity of 2000 EP but the design loading for the proposed development is around 7500 EP. The report states that it is possible that the future development may need to contribute to the upgrading of the sewage treatment works to cater for the increased load, but no costings are provided or an assessment of the impact of the upgrading cost on the viability of the project.
- 7 Waste Management - The report concludes the Crescent Head Road landfill is capable of accommodating the waste produced by the proposed development.
- 8 Staging of the Development - The report provides no indication of how the development of the site for industrial purposes would be staged or how infrastructure eg. water and sewer, would be upgraded to keep pace with the increasing demands of the development as it proceeded.

The report anticipates a development approximately 38 industrial lots ranging in size from approximately 7,000m² to 2.7 hectares, with over 30 hectares of the site dedicated to environment protection and wildlife corridors. It meets the requirement of Council's resolution of June 2001 in providing the necessary information for Council to formally consider the proposal in that it demonstrates that there are no constraints to development that cannot be overcome by appropriate mitigation measures and subdivision design.

The report recommends that Council formally resolve, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, to prepare a draft Local Environmental Plan to rezone the subject land to 4(a) Industrial (General) and 7(b) Habitat Protection. Council is able to do that on the basis of this report, however, to do so could pose risks to the proponent due to opposition to the proposal by the Roads and Traffic Authority.

The Roads and Traffic Authority have advised in two letters dated 14 February 2003 and 22 April 2003 ([Appendix K](#)) that they do not support the rezoning application. In the first letter their opposition is based on the significant impact the proposal will have on the highway and the safety issues

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of short trips along the highway. The second letter advises that they will support the rezoning following the **completion of the bypass**, providing an access road for the development connects to the local road network, not the highway. They further advise that due to the current access conditions no traffic generating work could be developed on the site above its existing level of development ie. rural.

For the application to proceed following a (presumed) resolution of Council the proponent will need to prepare a Local Environmental Study in support of the rezoning. Following completion of the study it would be possible to prepare a draft plan based on the findings of the study, however, at this point the unresolved opposition of the Roads and Traffic Authority to the proposal could halt the process. Council would not be able to use its delegation to issue the Section 65 Certificate permitting the exhibition of the draft plan due to the unresolved objection of a state agency. The Department of Infrastructure, Planning and Natural Resources have advised that they would be unlikely to issue the Section 65 Certificate whilst the objection is unresolved. Thus the process would be stopped if the Roads and Traffic Authority maintained their position opposing the rezoning until the by-pass is completed.

Council can support the rezoning and resolve to require the proponent to fund the preparation of the Local Environmental Study. Council can then use the findings of the Local Environmental Study to endeavour to overcome the objections of the Roads and Traffic Authority and convince the Department of Infrastructure, Planning and Natural Resources to issue the Section 65 Certificate. The risk involved in this course of action is that it will fail to convince the Department of Infrastructure, Planning and Natural Resources that the Roads and Traffic Authority's objection should be overcome leaving the proponent significantly out of pocket without moving the process forward.

Council's other option would be to invite the Roads and Traffic Authority to further discuss the matter to see if their objections and concerns can be satisfactorily resolved before Council then resolves, under Section 54 of the Act to proceed with the rezoning and require the proponent to outlay further money on the necessary studies.

Director Environmental Services Recommendation:

That Council invite representatives of the Roads and Traffic Authority to further discuss their objections to the proposed rezoning.

2003. *

RESOLVED:

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

- 1 That the Regional Manager RTA be invited to Kempsey to discuss the requirements for the development of an Industrial Land Strategy and in particular the relevant details of the Galban application bearing in mind the location of suitable land which requires access/egress to/from the present and future Pacific Highway.**

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2. That if necessary, representations be made to the Minister for Roads Carl Scully MP with a request that the matter of the requirements of the Roads and Traffic Authority of NSW in respect to the development of an industrial land strategy for land, which will depend on access from the Pacific Highway South of Kempsey, be determined as a matter of urgency.
- 3 That Mr Andrew Stoner MP Member for Oxley, The Hon. Mark Vaile and Mr Luke Hartsuyker be advised of Council's actions.



ADOPTION OF AGENDA ORDER OF BUSINESS

2003. *

RESOLVED:

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

That the Agenda Order of Business be adopted.



NOTICE OF MOTION

NOM1	REPRESENTATIONS TO MINISTER FOR ROADS	
	FILE: LA6183 MEI (NRN)	{Folio No. 259875}

This report was dealt with earlier in the meeting just after Public Forum.



RESCISSION MOTION

RM1	DA APPLICATION	
	FILE: T6-02-707RBP (NRN)	{Folio No. 259876}

That Motion 2003.577 of 24 June 2003:

- "A.** *That the applicant be invited to submit an amended application accompanied by an acoustic report prepared by a suitably qualified person and a report prepared by a qualified quarrying consultant providing for the erection of a dwelling in a location which will not result in adverse impacts from adjoining quarrying operations or place any unreasonable restrictions on future quarrying activities.*

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B That the applicant be advised that unless written advice is received within 14 days of notice being provided that it is intended to submit the required amended application, that the application be refused for the following reasons:

- 1** The proposal is contrary to Clause 16 of North Coast Regional Environmental Plan 1988 as the applicant has failed to demonstrate that the proposed dwelling will not prevent the potential sterilisation of the adjoining quarry, having regard to potential adverse noise, over pressure and vibration.
- 2** The proposal is contrary to DCP 12 - Conflicting Land uses as the applicant has failed to demonstrate that the proposed dwelling will not be adversely impacted upon as a result of the operation of Churchill Quarry."

Be rescinded.

The above rescission motion was withdrawn.



DIRECTOR ENVIRONMENTAL SERVICES REPORT

DES1	DUAL OCCUPANCY AND SUBDIVISION, SOUTH WEST ROCKS FILE: T6-03-392 AD	{Folio No. 259879}
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SUMMARY:

Reporting that Council has received an application for a dual occupancy and subdivision for which two (2) objections have been received.



Applicant: D W Prestwich
Location: Lot 46 DP 1037721 No 2 Dilberang Close, South West Rocks
Proposal: Dual Occupancy and Subdivision (*Appendix A*)
Zone: 2(a) Residential

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, the North Coast Regional Environmental Plan 1988 (NCREP 1988) or Kempsey Local Environmental Plan 1987 (KLEP 1987).

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Development Control Plan No 22 - Local Housing Strategy

As the proposal is within a designated low density area, it is required to comply with all development standards of DCP 22.

STANDARD	REQUIRED	PROPOSED	COMPLIES Y/N
DENSITY - Low	2 bedroom + 3 bedroom = 700m ²	773m ²	Yes
SETBACKS - side - front - rear	Section 4.2 DCP 22	Side: 1.59 m Front: 5 m Rear: 7.68 m	Yes Yes Yes
CARPARKING - resident - visitor	1 covered + 1 visitor	4 covered 2 visitor	Yes
Private open space	25m ² per dwelling with 4 x 4 m ²	Unit 1: Adequate Unit 2: Adequate	Yes Yes
Landscaping	Section 4.5 DCP 22	No Landscaping plan submitted - to be conditioned. Area provision adequate.	Yes
Height	<6.2m	5.63 m	Yes
Solar Access	Section 4.7 DCP 22	Adequate	Yes
Privacy	Section 4.8 DCP 22	Adequate	Yes
Cut and fill	<1.5 m	0.3 m	Yes
Erosion/	Sect 4.10	To be	Yes

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sediment control	DCP 22	conditioned	
Infrastructure	Sect 4.11 DCP 22	To be conditioned	Yes

Public Exhibition

The application was advertised in accordance with Council's Policy with two (2) objections having been received which may be summarised as follows: *(Appendix B)*

Objection		Planning Comment	
1	Dual occupancies impact upon the quiet residential appeal of the area.	1	Dual occupancy developments are permissible in the zone, and in designated low density areas on the basis that all relevant standards outlined within DCP 22 are complied with.
2	There are other dual occupancy developments and units in the street, and the amount of rental properties will not only decrease the market value, but encourage a more transient population to come into the estate.	2	The development is considered to be suitable to the amenity of the residential area, and the impacts of such development on the market value and social fabric of an area are speculative.
3	You can never be sure of who is living in a rental property and it raises concern for the safety of ALL children in the estate.	3	Refer Planning Comment 2.
4	Dual occupancies generate extra road traffic and noise.	4	The traffic and noise generated by dual occupancy/multiple dwelling development is considered suitable to the amenity of the area and is within the capacity of the road system.
5	The proposal has very little	5	The design complies

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street appeal, and will impact upon views. The dual occupancy on the adjacent block is much more unobtrusive.

with all aspects of DCP 22 relating to height and setbacks, and as such, is not considered to significantly impact on views expected in a residential area. It must be noted that even though the proposal is for a dual occupancy, it is attached, and as such, will appear similar to a standard two storey dwelling. It should be noted that a high proportion of single dwellings in the estate are double storey. There is marginal overlooking of private yard areas to the adjoining southern lot, however it will be conditioned that additional screening - lattice or other type of southern facing balcony areas is to be applied to address this issue. Concern that the southern most window at Unit1's living area (ie window 1818 sw and window 1412 sw) Unit 1 of Lot 45 (to the south) private open space can be addressed by the application of a condition requiring the window have a minimum sill height of 1.5 metres, or be constructed of a visual distortion material such as frosted glass or glass bricks.

6 There is another two storey dual occupancy. Four double storey dwellings, side by side, similar in appearance would look like a block of units, decreasing overall housing

6 The proposal is required to comply with all standards outlined in DCP 22. Refer Planning Comment 2.

	value.		
7	Council has already approved three double storey 'painted' units at the end of Dilberang Close, and two double storey 'painted' units in Goorie Place. How many units does Council intend on approving.	7	Refer Planning Comment 1. It should be noted that development of 1 x 3 bedroom and 1 x 2 bedroom dwellings requires 570m ² in medium density areas and 700m ² in low density areas. The site has 773m ² .
8	Council is already infamous for "creating a concrete jungle" in South West Rocks, approving these or any other units in the area is only adding fuel to the fire.	8	Refer Planning Comment 1.
9	Too many dual occupancies are destroying the beauty of the area, Units should be left at the beachfront where they have always been.	9	Refer Planning Comment 1.

Planning Comment

As the proposal is located within a designated low density area, all relevant development standards outlined in DCP 22 were required to be complied with. The applicant has demonstrated full compliance, and as such, no reason to refuse the development application is evident. The application is still being assessed by the Rural Fire Service in accordance with Bushfire Hazard requirements.

2003. *

RESOLVED:

*Moved: Cl. Powell
Seconded: Cl. Parkinson*

That subject to the receipt of 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.**

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- 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 \$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.

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- 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.

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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.

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 A Survey Certificate is to be submitted upon completion of the roof framing to ensure that the top plate is at or below 11.05 metres A.H.D.

19 The dwellings shall be constructed to include all of the energy efficiency requirements outlined in a NatHERS assessment to be provided prior to the issuing of a Construction Certificate.

Walls
Roof
Wall
Roof
Ceiling
Hotwater

NATHERS ASSESSMENT TO BE PROVIDED PRIOR TO THE RELEASE OF THE REQUIRED CONSTRUCTION CERTIFICATE INDICATING COMPLIANCE WITH COUNCIL'S MINIMUM REQUIRED RATING OF 3.5 STARS

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 All stormwater is to be collected and disposed of from the site so as not to increase pre-development flow rates within the locality.

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Detailed engineering plans are to be prepared in consultation with Council's Mr Tony Castle and submitted with the required Construction Certificate providing for a system designed to meet this requirement and having regard to the following:

- (a) The system is to be designed to cater for the 1 in 5 year storm recurrence interval identified by "Australian Rainfall and Runoff 1987".
 - (b) All stormwater from the proposed carpark area is to be collected and directed to a retention facility.
 - (c) The means proposed to retard stormwater discharge is to include provision for inspection and maintenance.
- 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. Additional screening of southern facing balconies overlooking the adjoining lots using lattice or similar material is to be used.
- 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.
- 26 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.
- 27 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 headworks at the rate of \$3,260 per equivalent tenement, i.e $\$3,260 \times 0.6 \text{ E.T} = \$2,173$ (Indexed 2003/2004).
- 28 Payment of a contribution towards district water supply at the rate of \$1,184 per equivalent tenement, i.e $\$1,184 \times 0.6 \text{ E.T} = \789.30 (Indexed 2003/2004).
- 29 Payment of a contribution towards water supply reticulation works at the rate of \$2,975 per equivalent tenement, i.e $\$2,975 \times 0.6 \text{ E.T} = \$1,983.30$. (Indexed 2003/2004)

- 30 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 x 0.6 E.T = \$1,105.20. (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.

- 31 The southern most windows of the upper floor living area of Unit 1 (ie. windows 1818 sw and 1512 sw) are to either have a minimum sill height of 1.5 metres, or are to be constructed of a material suitable for the purposes of visual distortion and privacy protection such as frosted glass or glass bricks. Details are to be provided with the required plans for the Construction Certificate.

DES2	DUAL OCCUPANCY - SOUTH WEST ROCKS
FILE: T6-03-278 AD	{Folio No. 259881}

SUMMARY:

Reporting that Council has received an application for a dual occupancy and subdivision for which an objection has been received.



Applicant: M E Peiti
Location: Lot 67 DP 258742 No 1 Eric Fittler Place, South West Rocks
Proposal: Dual Occupancy and Subdivision (*Appendix C*)

Zone: 2(a) Residential

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.

Development Control Plan No 22 - Local Housing Strategy

The proposal is located within a designated medium density area, and is required to comply with the following development standards outlined in DCP 22:-

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STANDARD	REQUIRED	PROPOSED	COMPLIES Y/N
DENSITY Medium	- Medium 660m ²	2 x 3 bedroom dwellings on 687m ²	Yes
SETBACKS - side - front - rear	Section 4.2 DCP 22	Side: 1.5 m Front: 5.4 m Rear: 1.3 m	Yes Yes Yes
CARPARKING - resident - visitor	1 covered per dwelling + 1 visitor	1 covered per dwelling + 2 visitor	Yes
Private open space	Section 4.4 DCP 22	Unit 1: 15.24 X 3.8m ² = non compliant Unit 2: 25.37m ²	No
Landscaping	Section 4.5 DCP 22	No Landscaping plan submitted - to be conditioned. Area provision adequate.	Yes
Height	<6.2m	5.1 m	Yes
Solar Access	Section 4.7 DCP 22	NatHERS Assessment to be conditioned - no significant impact	Yes
Privacy	Section 4.8 DCP 22	* Concern	* Concern re. privacy to northern lot
Cut and fill	<1.5 m	1.2 m	Yes
Erosion/ sediment control	Sect 4.10 DCP 22	To be conditioned	Yes
Infrastructure	Sect 4.11 DCP 22	To be conditioned	Yes

Private Open Space

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An assessment of private open space provision for the proposal indicates marginal non-compliance within the existing Unit 1, in the respect that a 4 metre by 4 metre square within the required private open space cannot be achieved by 0.2 metres. The applicant has justified the variation by stating that there is an existing ground floor rear concrete level deck which will be widened by 300 mm to 4200 mm, providing the required 4 m x 4 m area. It is not specifically mentioned in the DCP that this method of creating the required space is prohibited, and as it is located wholly on ground level it is considered to be reasonable justification in this instance.

Privacy

Concern is raised regarding the proposed additional dwellings impact upon the adjoining northern property’s private open space (backyard) and living area. The applicant has addressed this concern by stating that “the new dwelling is single storey only on the north side. The existing neighbours on the north side are well clear of the boundary as their lots front Rudder Street, and the dwellings are constructed with minimum setback to that street.”

An analysis of privacy impacts upon the northern lot has indicated that there may be valid reason for concern. Whilst the proposed dwelling is mainly single storey at the northern elevation, the front of the proposal is two storeys, and may overlook significant sections of the neighbouring yard. The applicant’s justification is not considered to totally address the issue, however, additional screen planting along the northern boundary, as well as applying conditions requiring either the provision of frosted glass windows or windows with a sill height of 1.5 metres, on the northern elevation of the proposed dwelling may address these concerns.

Public Exhibition

The proposal was advertised in accordance with Council’s Policy with one (1) objection having been received, which may be summarised as follows: *(Appendix D)*

1 We will lose all privacy as the proposal will overlook our entire backyard and the proposed occupants will be able to look directly into our home via windows situated on the southern side, directly into living areas.	1 It is agreed that privacy is of concern, however, it can be conditioned that measures such as frosted glass/glass bricks, or windows with sill heights of 1.5 metres above the floor level on the second floor area are applied, as well as additional screenplanting, along north facing walls to minimise potential impacts on privacy.
2 More trees will be removed, and the proposal will make us	2 The proposal complies with height and setback

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.....
MAYOR

	feel enclosed and interrupt the natural view to the south.		requirements outlined in DCP 22, with Council having no specific policy relating to views. The applicants will not be removing any tree on Council's road reserve, and will be retaining the jacaranda tree at the front of the proposed second dwelling.
3	To allow dual occupancies and subdivision in this area will substantially detract from the character and attractiveness of this part of town.	3	The proposal complies with the density provisions of DCP 22, and subdivision in conjunction with an application for a dual occupancy is permissible in a residential 2(a) zone in accordance with Kempsey Local Environmental Plan 1987. The proposal is not considered to have a detrimental impact upon the character of the area.
4	The proposal has minimal gardens and lawns which are a feature of this part of South West Rocks.	4	The proposal complies with the landscape area requirements of DCP 22, with a condition to be applied in any consent requiring the submission of a landscaping plan.

Planning Comment

The proposal complies with most development standards outlined in DCP 22, with the exception of marginal non-compliance relating to private open space, and concerns relating to impacts upon privacy on neighbouring lots. If Council considers the suggested measures appropriate to address the aforementioned privacy concerns, the following conditions should be applied to any consent:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.

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MAYOR

- 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 \$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.

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MAYOR

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

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

Walls
Roof
Wall
Roof
Ceiling
Hotwater



- 19 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.

- 20 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.

- 21 All internal parking areas, accessways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved and/or bitumen sealed.

- 22 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.

Provision of concrete kerb and gutter and extension of the existing bitumen seal for the full frontage of the property in Entrance Street in accordance with Council's plan SWR/RC/0102/A1. Kerb returns to be

constructed at each end of kerb and gutter to the existing water table drain in Entrance Street. The minimum grade of returns to be 1%. Details are to be provided with the plans for the Construction Certificate.

- 23 Stormwater runoff from all roofed and paved areas shall be collected in a system of gutters, pits and pipelines and connected to the nearest available Council piped drainage system in accordance with DCP 36 - Engineering Guidelines for Subdivision and Development. Details are to be provided with plans for the Construction Certificate.
- 24 As interception drain at the property boundary to collect all stormwater runoff from paved areas and be connected to the piped site drainage system. Details are to be provided with plans for the Construction Certificate.
- 25 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.
- 26 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.
- 27 Payment of a cash contribution prior to the issuing of the required Construction Certificate towards Council's trunk drainage system in accordance with Council's Section 94 Plan for Stormwater Drainage at the rate of \$522 per equivalent tenement, i.e. \$522 x 1 E.T. = \$522 (Indexed 2003/2004).

The Plan may be inspected at Council's offices, Cnr Elbow and Tozer Streets, West Kempsey.
- 28 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.
- 29 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 sewerage reticulation works at the rate of \$1,519 per equivalent tenement, ie \$1,519 x 1 E.T = \$1,519 (Indexed 2003/2004).
 - b Payment of a contribution towards water supply headworks at the rate of \$1,130 per equivalent tenement, ie \$1,130 x 1 E.T = \$1,130 (Indexed 2003/2004).

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- 30 The applicant is to pay a contribution towards the outdoor recreation 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 \$1,758 per additional dwelling unit, i.e \$1,758 x 1 E.T = \$1,758 (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.

- 31 The windows on the northern facing elevation of the proposed additional dwelling ie. windows 1218 SW, 1218 SW and 1212 SW as specified on the plan, are to be constructed of material with the specific purpose of distortion of vision, such as frosted glass or glass bricks

or

are to have a minimum sill height from floor level of 1.5 metres. Details are to be provided with the plans for the required Construction Certificate.

- 32 The plans for the proposed landscaping of the lot are to include additional screenplanting along the northern boundary adjacent to the proposed dwelling for the purposes of reducing visual impacts into the northern neighbouring lot, prior to the release of the Construction Certificate.

Director Environmental Services Recommendation:

For Council's determination.

2003. *

RESOLVED:

*Moved: Cl. Parkinson
Seconded: Cl. Sowter*

That approval 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.

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MAYOR

- 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 \$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.

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.....
MAYOR

- 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 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 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 dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.

Walls
Roof
Wall
Roof
Ceiling
Hotwater

TO BE PROVIDED PRIOR TO THE RELEASE OF THE REQUIRED CONSTRUCTION CERTIFICATE INDICATING BOTH DWELLINGS COMPLY WITH COUNCIL'S MINIMUM RATING OF 3.5 STARS.

- 19 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.
- 20 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.
- 21 All internal parking areas, accessways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved and/or bitumen sealed.
- 22 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.

Provision of concrete kerb and gutter and extension of the existing bitumen seal for the full frontage of the property in Entrance Street in accordance with Council's plan SWR/RC/0102/A1. Kerb returns to be constructed at each end of kerb and gutter to the existing water table drain in Entrance Street. The minimum grade of returns to be 1%. Details are to be provided with the plans for the Construction Certificate.

- 23 Stormwater runoff from all roofed and paved areas shall be collected in a system of gutters, pits and pipelines and connected to the nearest available Council piped drainage system in accordance with DCP 36 - Engineering Guidelines for Subdivision and Development. Details are to be provided with plans for the Construction Certificate.
- 24 As interception drain at the property boundary to collect all stormwater runoff from paved areas and be connected to the piped site drainage system. Details are to be provided with plans for the Construction Certificate.
- 25 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.
- 26 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.
- 27 Payment of a cash contribution prior to the issuing of the required Construction Certificate towards Council's trunk drainage system in accordance with Council's Section 94 Plan for Stormwater Drainage at the rate of \$522 per equivalent tenement, i.e. \$522 x 1 E.T. = \$522 (Indexed 2003/2004).

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

- 28 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.
- 29 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 sewerage reticulation works at the rate of \$1,519 per equivalent tenement, ie \$1,519 x 1 E.T = \$1,519 (Indexed 2003/2004).
 - b Payment of a contribution towards water supply headworks at the rate of \$1,130 per equivalent tenement, ie \$1,130 x 1 E.T = \$1,130 (Indexed 2003/2004).
- 30 The applicant is to pay a contribution towards the outdoor recreation 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 \$1,758 per additional dwelling unit, i.e \$1,758 x 1 E.T = \$1,758 (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.

- 31 The windows on the northern facing elevation of the proposed additional dwelling ie. windows 1218 SW, 1218 SW and 1212 SW as specified on the plan, are to be constructed of material with the specific purpose of distortion of vision, such as frosted glass or glass bricks

or

are to have a minimum sill height from floor level of 1.5 metres. Details are to be provided with the plans for the required Construction Certificate.

- 32 The plans for the proposed landscaping of the lot are to include additional screenplanting along the northern boundary adjacent to the proposed dwelling for the purposes of reducing visual impacts into the northern neighbouring lot, prior to the release of the Construction Certificate.

Councillor Hunt recorded his vote against the foregoing Resolution.

DES3	FOUR DWELLINGS AND SUBDIVISION - SOUTH WEST ROCKS FILE: T6-03-319 AD	{Folio No. 259883}
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SUMMARY:

Reporting that Council has received an application for four dwellings and subdivision for which a confidential objection has been received.



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Applicant: C D and I L Swan
Subject Land: Lot 212 DP 863200 No 5-7 Cooper Street, South West Rocks
Zoning: 2(a) Residential
Proposal: Four dwellings and subdivision (*Appendix E*)

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.

Development Control Plan No 22 - Local Housing Strategy

The proposal is required to comply with the following development standards outlined in Development Control Plan No 22:-

STANDARD	REQUIRED	PROPOSED	COMPLIES Y/N
DENSITY - medium	4 x 3 bedroom: 1320m ²	1805m ²	Yes
SETBACKS - side - front - rear	0.9 m (w/compensatory) 5 m 0.9 (w/compensatory)	0.9 m 5 m 3.6 m	Yes Yes Yes
CARPARKING - resident - visitor	4 covered (1 per dwelling) 1 visitor	5 covered 3 outdoor (8 carparks)	Yes
Private open space	Section 4.4 DCP 22	Adequate	Yes
Landscaping	Section 4.5 DCP 22	Landscaping plan submitted	Yes
Height	<6.2m	2.6 m	Yes
Solar Access	Section 4.7 DCP 22	Adequate	Yes

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Privacy	Section 4.8 DCP 22	Adequate	Yes
Cut and fill	<1.5 m	Marginal	Yes
Erosion/ sediment control	Sect 4.10 DCP 22	To be conditioned	Yes
Infrastructure	Sect 4.11 DCP 22	To be conditioned	Yes

Public Exhibition

The proposal was advertised in accordance with Council's Policy with one (1) objection marked "confidential" having been received which may be summarised as follows:

Objection

Planning Comment

1	An easement for services (power and water) is provided to the northern neighbouring lot, and that these services need to be available at all times for service and repair.	1	An easement for power and water does provide the adjoining lot to the north in the form of a 1 metre wide easement extending along the length of the eastern property boundary. A small part of the driveway is located on this easement at the northern end of the subject land. A condition will be applied requiring all driveway and visitor carparking over any easement is to be constructed of segmented pavers to retain access.
2	The development will create an elevated noise level, and excessively impact upon privacy.	2	The impact of the proposal upon privacy is considered to be marginal on both adjoining lots to the east and west, with strong objection relating to impacts upon privacy on

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3 We would very much like a lattice extension, or to have the existing fence replaced with a 1.8 metre colourbond fence with a scrub screening.

3 A condition will be applied requiring additional screen planting along the northern boundary, with the existing fence considered suitable for single dwellings.

the northern adjoining lot. An assessment undertaken by Council officers revealed a distance of between 12 and 15 metres between the existing dwelling on the northern neighbouring lot, and proposed Units 3 and 4. All dwellings, existing or proposed, are single storey, with a 1.5 metre high fence separating the properties. Additional screenplanting can be conditioned to address this, with objectors requesting an additional lattice screen above the existing fence. Noise generated by the proposal is considered appropriate to the amenity of the area, and the proposal complies with the density provisions outlined in DCP 22.

Planning Comment

Having regard for the specific issue of privacy impacts upon the northern adjoining lot, measures such as screenplanting are considered appropriate in this instance, however, Council must decide whether an additional lattice extension, or fence replacement are necessary as objectors have raised the issue so strongly.

The proposal complies with most aspects of Development Control Plan 22, however, concern has been raised regarding internal traffic and vehicular movements. The proposal having two driveway crossings (contrary to Section 4.3.4(f) - Access Design - DCP 22). A condition will be applied requiring the submission of amended plans addressing these issues,

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including the relocation of visitor carparks, the reduction of driveway crossings, in order to reduce potential noise and conflict, and comply with the requirements of Australian Standard 2890.1 - Off Street Carparking. A response from the Rural Fire Service has yet to be received.

The application intends a "Torrens" Real Property subdivision however it is considered that the location of buildings, visitor parking, driveway arrangement and fencing as shown strongly indicate that such a subdivision should not be considered.

The applicant should be advised that a Strata Subdivision would be the only form of subdivision that may be approved.

2003. *

RESOLVED:

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

A That subject to favourable comments being received by 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 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:**

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.....
MAYOR

- 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 \$1200 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 Installing, altering, disconnecting or removing a meter connected to a service pipe.
- 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 dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.
- | | |
|--|--|
| <p>Walls
Roof
Wall
Roof
Ceiling
Hotwater</p> | <p><i>TO BE PROVIDED PRIOR TO THE
RELEASE OF THE REQUIRED
CONSTRUCTION OF CERTIFICATE
INDICATING THE FOUR DWELLINGS
ACHIEVE A MINIMUM NATHERS
RATING OF 3.5 STARS IN
ACCORDANCE WITH COUNCIL'S
POLICY</i></p> |
|--|--|
- 19 The applicant is to construct kerb and gutter, and road should along the length of the property boundary facing Cooper Street in accordance with Council's Development Control Plan No 36 - Engineering Guidelines for Subdivision and Development. Details are to be submitted to Council for approval prior to release of the required Construction Certificate.
- 20 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.
- 21 All visitor carparking and driveway areas located over any easement are to be constructed with segmented pavers in accordance with the amended plans marked in red.
- 22 The applicant is to submit amended plans prior to the release of the required Construction Certificate indicating that all amendments as marked in red on the approved plans will be incorporated in any final approval.
- 23 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.
- 24 All internal parking areas, accessways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines

for Subdivision and Development. All such areas to be concrete paved and/or bitumen sealed.

Detailed plans are to be submitted for approval prior to release of the Construction Certificate.

- 25 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.
- 26 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.
- 27 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.
- 28 Roofwaters are to be connected to Council's stormwater drainage system located at the intersection of Gregory Street and Cooper 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.
- 29 An interception drain at the boundary of the property to collect all stormwater 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.
- 30 Extension of the town sewer main from the existing manhole EQ1 located in the north eastern corner of Lot 21 and extended parallel to the eastern boundary to service units 1 and 2. Detailed plans are to be submitted for approval prior to release of the Construction Certificate.
- 31 Applicant is to submit with the application for Subdivision Certificate, copies of any instruments under Section 88B of the Conveyancing Act 1919 relevant to any restrictive covenants, easements or rights of way created by or affected by this subdivision.
- 32 Submit an application for Subdivision Certificate pursuant to Part 4A of the Environmental Planning and Assessment

Act 1979, which authorises the release of the plan of subdivision.

33 Detailed engineering plans prepared and certified by a qualified Structural Engineer are to be submitted providing for construction of footings of the building in the vicinity of Council's sewer drain have been designed in strict compliance with Council's Engineering Guidelines for Subdivision and Development.

34 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 Subdivision Certificate/Construction Certificate.

35 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 headworks at the rate of \$3,035 per equivalent tenement, i.e $\$3,035 \times 3 \text{ E.T} = \$9,105$. (Indexed 2003/2004)

b Payment of a contribution towards water district supply at the rate of \$1,184 per equivalent tenement, i.e $\$1,184 \times 3 \text{ E.T} = \$3,552$. (Indexed 2003/2004)

36 The applicant is to pay a contribution towards outdoor recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate/Subdivision Certificate, at the rate prevailing at that time. The current rate is \$1,842 per additional dwelling unit, i.e $\$1,842 \times 3 \text{ E.T} = \$5,526$. (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.

37 That the configuration of unit 3 be amended to indicate no intrusion or overhang within the 3 metre easement.

B That applicant is to be submit details of the proposed method of strata title subdivision prior to release of the Construction Certificate.

Note: Internal fencing as indicated on the plan 00378U 01/09 may not be able to be erected as proposed.

DES4	PROPOSED FIRST STOREY ADDITIONS
	SOUTH WEST ROCKS
	FILE: T6-03-270 DJW
	{Folio No. 259884}

SUMMARY:

Reporting that Council has received a development application for a first storey addition to be erected above an existing single storey dwelling. The proposal does not comply with DCP 22 Local Housing Strategy in regards to visual privacy and for which two (2) objections have been received.



Applicant: Mr R Martin
Subject Land: Lot 4 DP 870077 No 9 Oxley Place, South West Rocks
Zone: 2(a) (Residential "A" Zone)

Proposed Development

The proposal is to erect a first storey addition above an existing single storey dwelling.

Siting

The site consists of a single storey dwelling located on the western side of Oxley Place which has a street frontage of 12.08m with a total site area of 977.2m². The land has a slight fall to the rear.

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.

DCP 22 - Local Housing Strategy

The proposal is required to comply with the following requirements of DCP 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 requirements of DCP 22 results in the following:-

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Standard	Required	Proposed	Complies Y/N
DENSITY - low	500m ²	977.2m ²	Yes
SETBACKS - side - north elevation - south elevation - front - rear	1.5m 1.5m 5m 1.8m	>1.5m >1.5m >5m >1.8m	Yes Yes Yes Yes
CARPARKING	1 covered	2 covered spaces	Yes
Private open space	25m ²	>25m ²	Yes
Landscaping	135m ²	> 135m ²	Yes
Height	6.2m	<6.2m	Yes
Solar Access	Adequate	Adequate	Yes
Privacy	Adequate	Inadequate	No
Cut and fill	1.5m	none	Yes
Long Walls	20m	<20m	Yes
Access	<25%	Existing	Yes

Comment

As indicated in the table above, the proposal complies with DCP 22 except in respect to the first storey additions visual privacy.

Visual Privacy

Comment

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Visual privacy between proposed and existing adjoining dwellings is to be considered. Overlooking of living spaces in buildings and private open spaces is to be avoided.

Visual privacy for adjoining properties and within developments can be achieved by translucent or distorting glass for windows and privacy screens for decks.

The proposed first storey living room area has two windows and a deck that allows loss of privacy from the adjoining villa's only private open space.

The applicant was asked to consider maintaining the aesthetic appearance of the first storey addition and at the same time provide privacy to the private open space to the adjoining villas. The applicant after some deliberation has agreed to provide Pilkington Smart Glass "Glue Chip" to windows W3 and W4 and a 1.8m Privacy Screen to the rear deck.

Section 79c(1)(e) - Advertising

The proposal was advertised in accordance with the EPA & A - 1979 and Council's Policy with two (2) objections received. The grounds for objections are summarised as follows:-

Objection	Planning Comment
1. The two storey extension will adversely affect the amenity of the surrounding area, where dwellings are now single storey.	1. The first storey addition is permitted to be erected. The addition complies with the requirements of DCP 22.
2. The windows of the proposed addition will affect our privacy.	2. The objection is valid. The development application will be conditioned to address the privacy issues.
3. The height of the proposed addition will cause loss of morning sun and cast shadows.	3. The orientation of the proposed addition prohibits the additions from ever casting shadows or causing loss of morning sun.

Conclusion

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979 and DCP 22 Development Standards and the circumstances of the case, it is considered not reasonable for Council to approve the first storey addition in this instance. It is recommended that the development application be approved subject to the conditions and amendments.

2003. *

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Sproule*

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The Development Application T6-03-270 be approved subject to the following standard conditions and amendments to be submitted with the Construction Certificate.

- 1 **Submit amended architectural plans indicating the following:**
 - (a) **Description of treatment to be provided to windows W3 and W4.**
 - (b) **Erection of 1.8 metres high privacy screen to the rear deck.**
 - (c) **Provide completed copy of Housing Energy Rating Assessment Application Form.**

- 2 **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.**

- 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 **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.**

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

- 6 **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.**

- 7 **The first floor addition 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.

- 8 **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**

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certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

Inspections required:

- (a) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;

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.

- 9 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) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;

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.

- 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 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.

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

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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 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:-

(2) Part 3.9.1. and 3.9.2 of BCA Housing Provisions

Note: Spacing of rails not to exceed 125mm.

- d 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.

- e Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- f 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.
- g All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line

of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.

- 14 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.
- 15 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.
- 16 Roofwaters are to be connected to the existing stormwater disposal system.

DES5	PROPOSED TWO STOREY DWELLING - LOT 20 DP 20124 NO 67 BELMORE STREET, SMITHTOWN FILE: T6-03-425 LA7119 SNB {Folio No. 259885}
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SUMMARY:

Reporting that an objection has been received in relation to a Development Application for the erection of a two storey dwelling.



Applicant: B J Noble
Subject Land: Lot 20 DP 20124 No 67 Belmore Street, Smithtown
Proposed: Two Storey Dwelling

An application has been received seeking approval to erect a two storey dwelling on the above property.

The adjoining owners are objecting to the proposal on the grounds that their property will suffer a loss of amenity due to:

- (a) the proposed dwelling will cause over-shadowing to the rear yard.
- (b) loss of privacy
- (c) drainage problems associated with filling on the proposed building site.

A copy of the letter of objection is appended to this report. ([Appendix F](#))

In respect to the issue of over-shadowing, a shadow diagram has been prepared for the month of June (worst case scenario). A copy of the shadow diagram is appended to this report. ([Appendix G](#)) The diagram indicates that only a relatively small area of the adjoining rear yard, comprising mostly driveway area to the detached garage, will be subjected to over-shadowing for most of the day. At 9am, approximately half the rear yard is shadowed, but a large proportion of this area is occupied by the detached garage. At 12 noon the amount of over-shadowing is significantly less and affects a corner

of the rear verandah, part of the shed, and driveway area. By 3pm the area that is over-shadowed comprises the covered verandah and driveway area at the northern side of the dwelling. There is a total combined area of 128m² of the rear yard that receives no over-shadowing.

With regard to the issue of loss of privacy, the plans indicate that the only privacy concern would be the large lounge room window in the southern wall of the proposed dwelling which would overlook the rear yard of the adjoining property. The elevations are appended to this report (*Appendix H*). The focus of the lounge room towards the outside however would tend to be at the front of the dwelling facing the street as this elevation incorporates sliding glass doors, large windows and a balcony as well as a superior eastern aspect.

In relation to the drainage problems anticipated from the filling of the building site, a restriction on the extent of filling imposed by an approval would minimise any impact. The entire area of Smithtown village including the immediate vicinity of the proposed building site is quite flat. The foundation material is a deep alluvial clay loam that is well drained. There is little likelihood of long term waterlogging or excessively damp conditions in this area. Photographs indicating general site conditions and levels are appended to this report. (*Appendix I*)

The proposed dwelling needs to comply with the provisions of Council's Flood Risk Management Policy. The 1 in 100 flood height for this part of Smithtown is 4.78 metres AHD. Therefore the required minimum floor height of the proposed dwelling is 5.28 metres AHD. The natural surface levels in the vicinity of the building site is 3.28 metres, which means that the habitable living areas of the proposed dwelling must be at least 2 metres above natural ground to satisfy the requirements of the Flood Risk Management Policy.

Under the provisions of DCP 22 the required minimum setback of the walls of the proposed dwelling to the side boundaries is 3.7 metres. However, this can be reduced provided there is sufficient compensatory setback. In this regard the proposed dwelling satisfied the provisions of DCP 22.

Comment

The concerns regarding shadowing are considered unwarranted and the drainage matters can be addressed. In respect to privacy a condition has been added to delete one (1) window in the living area on the southern elevation to reduce likely impacts on privacy concerns.

2003. *

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Sproule*

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.**

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- 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 dwelling 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.

- 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;
- (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;

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 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.

- 10 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 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.
- 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 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.

- i All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.

- j 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.

- 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.
- 11 Details of the extent of filling is to be submitted prior to the commencement of work. The filled area at the front of the allotment is to be cut back to the original natural ground surface levels.
- 12 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.
- 13 Building materials are not to be stored within the road reserve or any other public place.
- 14 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 15 Submission of a certificate from a Structural Engineer advising that the building has been designed to withstand the forces created by floodwaters and debris loading anticipated for that area prior to release of the Construction Certificate.
- 16 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.
- 17 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.
- 18 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.
- 19 Window W10 be deleted from the proposal.
- 20 The existing unauthorised building (cabin) is to be demolished prior to an Occupation Certificate being issued.

DES6	PROPOSED SINGLE STOREY DWELLING & DEMOLITION OF EXISTING DWELLING
FILE: T6-03-400 DJW	{Folio No. 259886}

SUMMARY:

Reporting that Council has received an application to erect a single storey dwelling and demolish an existing dwelling, which requires a deferred approval and a variation to Council's Local Housing Strategy DCP22



Applicant: C. Johnson & A Lambert
Subject land: Lot 22, DP 791378, 12 –14 Cooper Street
South West Rocks
Zone: 2(A) Residential "A" Zone

Proposed Development

The proposal is to build a single storey dwelling and demolish the existing dwelling on completion of the new dwelling

Site

The site consist of an existing dwelling which is to be demolished on completion of the new dwelling. The proposed dwelling is sited on the southern side of the street within the road reserve by 0.115m. The applicant is in the process of acquiring 5.115m of council road reserve, the site has a street frontage of 20m approximately and a total site area of 6203m² with a slight fall to the street

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MAYOR

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 may be defined as “dwelling house” and is permissible with consent in the 2(a) Residential 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 requirements of DCP 22 results in the following:-

Standard	Required	Proposed	Complies Y/N
Density	3 bedroom 400m ²	6203m ²	Yes
Setbacks - side east elevation west elevation - front - rear	Compensated Area provided 0.9m 0.9m 5m 1.8m	>.09m 1.020m /1.5m <5m >1.8m	Yes Yes No * Yes
Carparking	1 covered	2 covered spaces	Yes
Landscaping	130m ²	>130m ²	Yes
Height	5m	<5m	Yes
Solar Access	Adequate	Adequate	Yes
Privacy	Adequate	Adequate	Yes
Cut and Fill	<1.5m	<1.5m	Yes
Long Walls	20m	<20m	No *
Access	20%	<20%	Yes
Private Open Space	25m ²	>25m ²	Yes

* See Comments

Long Walls

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As indicated in the table above, the proposal complies with DCP 22 except in respect to the proposed dwellings western wall which exceeds the required maximum length of 20m by 0.330m.

Comment

Development Standards for long walls Clause 4.2.3 is at present being reviewed to possibly allow an offset of 0.5m. The reason for this is that it allows the designer of the dwelling to provide the required off set under the eaves without the need for costly roof redesigns.

The proposed development provides two 0.5m offsets that allows the present Performance Objectives of DCP22 to be met. Secondly it does not have an adverse impact on the size of the internal bedroom floor area.

Primary Building Line Setback

Comment

The owners are purchasing from council 5.115 m of road reserve. The proposed dwelling is encroaching into the road reserve by 0.115m. However, upon acquisition of council road reserve the primary building line will comply with council's DCP22. However, having regard to potential uncertainties in the applicants being able to acquire council's road reserve prior to approval, it is considered any consent should be by means of a deferred commencement, contingent upon the land being consolidated with the applicant's allotment.

Conclusion

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979, DCP 22 and the circumstances of the case, it is recommended that the Development Application T6 – 03 - 330 should be approved by way of deferred commencement. Until such time as allotment 222 shown in plan DP 211215 has been registered by the NSW Land and Property Information Service

2003. *

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Parkinson*

That Development Application T6-03-330 be approved as a deferred commencement consent pursuant to Section 80A of the EP & A Act 1979 until such time as allotment 222 shown in DP 211215 has been registered by the NSW Land and Property Information Service. Conditions A and B hereunder shall apply.

A. This is a deferred commencement consent only pursuant to Section 80A of the EP & A Act 1979.

.....
MAYOR

B. This consent shall not commence until the following conditions have been met:

- 1. Consolidation of the proposed acquisition of part of the Cooper Street Road Reserve with Lot 222 DP 211215 at no cost to Council.**

C. Upon the above matter being satisfied, the following conditions shall apply:-

- 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 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 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 dwelling and demolition of existing dwelling 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.

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 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:-
- 9 Carrying out sewerage work.
- 10 Carrying out stormwater drainage work.
- 11 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.

- 12 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.

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

14 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.

15 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 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.

c External walls of the garage are strengthened by a minimum of 350mm x 230mm engaged brick piers spaced at maximum 1800mm centres.

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) 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) (2R + G)		Going (G)		Quantity
max	min	max	min	max
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 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.

- j All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.

- k The 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 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).
- 16 A Survey Report is to be submitted on completion of slab formwork to ensure the location of the building is in accordance with the approval issued.
- 17 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.

Walls
Roof *TO BE INSTALLED IN ACCORDANCE*
Wall *WITH APPROVED HOUSING ENERGY*
Roof *RATING ASSESSMENT*
Ceiling
Hotwater

- 18 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.
- 19 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.
- 20 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.
- 21 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 onsite 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.

Councillor Hunt recorded his vote against the foregoing Resolution.

DES7	PROPOSED INDUSTRIAL REZONING, PACIFIC HIGHWAY, SOUTH KEMPSEY	FILE: T5-81 MEI	{Folio No. 259887}
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This report was dealt with earlier in the meeting just after Public Forum.

DES8	REZONING APPLICATION - POINT PLOMER ROAD, CRESCENT HEAD	FILE: T5-59 MEI (NRN)	{Folio No. 259888}
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SUMMARY:

Reporting on further information received from relevant agencies regarding the matters to be addressed in progressing this rezoning.



Subject Land: Lot 703 DP 749885 - 2 hectares
 Lot 704 DP 749885 - 2 hectares
 Part Lot 707 DP 1032859 - approximately 20 hectares

Current Zone: Part 19c) Rural (Small Holdings) and Part 7(d) Scenic Protection

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.....
 MAYOR

Proposed Zone: 2(a) Residential
Applicant: Portofino Enterprises

This matter was reported to Council at its meeting of 22 July 2003. (*Appendix L*) Since then further advice has been received from relevant state agencies regarding this proposal which will now allow Council to more fully consider the matter. The following advice has been received.

- 1 Department of Planning, Infrastructure and natural Resources (DIPNR). (*Appendix M*) As previously advised, DIPNR:
 - 1 Require a formal environmental study.
 - 2 Consider the rezoning premature, “leap frogging” areas which logically should be developed first”.

The requirement for a formal environmental study is not a surprise, and as previously noted, the rezoning is not considered to be “leap frogging” due to the development plans of the Department of Lands, the adjoining landowner.

- 2 The NSW Coastal Council (*Appendix N*) does not support the proposed rezoning as they believe land use zones should be determined according to the design approach promoted in their “Coastal Design Guidelines for NSW” publication. They further raise concerns regarding the possible filling of land to raise low lying areas above the flood level to make them suitable for development. Discussions with DIPNR indicate that these matters can be addressed in the Local Environmental Study and do not prevent the application from proceeding. It should also be noted that rezoning flood prone land is contrary to Council’s flood policy and is not being considered.
- 3 The Department of Lands (*Appendix O*) have advised that their immediate priority for residential development in Crescent Head is Stages 3 to 5 of the Goolawah Estate project. They also outline in more detail the legislative requirements they must comply with before they are able to proceed with the rezoning of Lot 216. This lot immediately adjoins the subject land and is required to provide road access. The Department does not object to the proposal and agrees that Lot 216 should be rezoned for residential purposes in the future.
- 4 National Parks and Wildlife Service (*Appendix P*) advised Council of those environmental and archaeological matters which should be addressed in such a rezoning.
- 5 The Environment Protection Authority (*Appendix Q*) provided advice on water management, stormwater, wastewater, buffers, contaminated lands and Acid Sulfate Soils.
- 6 The Roads and Traffic Authority (*Appendix R*) advise that a traffic study should be undertaken to determine the impact of additional traffic on the local road network.

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MAYOR

Given the above responses from the relevant agencies Council is able to proceed with the application.

Director Environmental Services Recommendation:

- 1 That Council resolve to prepare a draft Local Environmental Plan that aims to rezone Lots 703, 704 DP 749885 and Part Lot 707 DP 811608 Crescent Head for residential purposes.
- 2 That Council's support of the above draft Local Environmental Plan be subject to a Local Environmental Study being prepared, at no cost to Council, in support of the plan. The study should address the issues identified by public authorities.

MOVED:

*Moved: Cl. Parkinson
Seconded: Cl. Sproule*

That before any Local Environmental Study is formally undertaken that implications pertaining to Crown Lands under the Native Title Act 1993 be determined.

An Amendment was MOVED:

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

- 1 That Council resolve to prepare a draft Local Environmental Plan that aims to rezone Lots 703, 704 DP 749885 and Part Lot 707 DP 811608 Crescent Head for residential purposes.
- 2 That Council's support of the above draft Local Environmental Plan be subject to a Local Environmental Study being prepared, at no cost to Council, in support of the plan. The study should address the issues identified by public authorities.

2003.*

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

Councillor Parkinson recorded his vote against the foregoing Resolution.

At this stage 10.37 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.07 a.m. all present at the adjournment were in attendance.

DES9	RELEASE OF EASEMENT TO DRAIN SEWAGE THREE WIDE - LOT 2 DP 830242 NO 266 TO 268 RIVER STREET, KEMPSEY FILE: LA12377 JRM	{Folio No. 259889}
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SUMMARY:

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MAYOR

Reporting that Council has received an application for the removal of easement to drain sewage 3 wide from Lot 2 DP 803242 No 266 to 268 River Street, Kempsey.



Applicant: Midcoast Legal and Conveyancing Service
Subject Land: Lot 2 DP 803242 No 266 to 268 River Street, Kempsey
Zone: 1(c) (Rural - Small Holdings)

History

Subdivision of the original Lot 21 DP 634933 provided for a future road, Springfields Drive off River Street and easement to drain sewage three wide for the future subdivision of Lot 4 DP 803242 (*Appendix S*)

The subdivision of Lot 4 DP 803242 creating Springfield Drive incorporated the construction of a sewerage system draining to new pump station and rising main to River Street along Springfields Drive (*Appendix T*). Thus the easement to drain sewage three wide created over Lot 1 was not utilised.

Council advised owners G R and M J Johnstone by letter dated 20 January 2003 that the easement created over Lot 1 within the subdivision of Lot 21 DP 634933 was no longer required by Council and if the owner wished to proceed with the relinquishment of the easement appropriate papers were to be submitted for Council' seal and endorsement.

Midcoast Legal and Conveyancing Services acting for the owners have submitted Form 13RR3 an application for the release or relinquishment on the use of the land under Section 88, 88D(12), 88E(7) or 89(8) of the Conveyancing Act 1919 for Council's endorsement and seal for the release of the easement to drain sewage three wide.

2003. *

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sproule*

That Council's Seal be affixed to Form 13RRE and endorsed.

DES10	BUILDING AND DEVELOPMENT
FILE: B9-2 BWC (NRN)	{Folio No. 259890}

SUMMARY:

Reporting that the following applications have been approved:

APPROVALS

Local Development (LD) (*Appendix U*)

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.....
MAYOR

2003.*

RESOLVED:

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

That the information be noted and that a report be brought to the next meeting of Council to indicate the back log of applications awaiting determination with an explanation of reasons for delay.



QUESTIONS WITHOUT NOTICE

Councillor Howell

Councillor Howell was advised:-

1. That the review of DCP22 for the South West Rocks area includes consideration of the positioning number of dual occupancies.
2. The delivery pressure of water to South West Rocks area is not a problem, some areas have less pressure than others.
3. That the Director Environmental Services would forward a report on the vacant land assessment document to Council.
4. That the Director Environmental Services would not be processing the Planning Process of Coastal Land due to staff restraints and the Coastal Council are in the process of completing the assessment program.
5. That the Director Environmental Services cannot consult with the Representative Committee of Crescent Head until the actual committee has been formed.
6. That the development application for Menarcobrinni Road would have to be assessed by Council before it could be listed for a works inspection.



MOTION FOR COMMITTEE

2003.*

RESOLVED:

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

That Council form itself into the Committee of the Whole, and at this stage the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.

.....
MAYOR

ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2003.*

RESOLVED:

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

That the foregoing recommendations of the Committee of the Whole, as reported by the General Manager, be adopted.



CONCLUSION:

There being no further business, the Meeting terminated at 11.42 a.m.

