



PLANNING VOTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

19 February 2013 commencing at 9.02am.

1.3 Proposed Earthworks

File: T6-12-300

SUMMARY

Council has received a Development Application for the filling of land at 29-33 William Street, East Kempsey for which objections have been received.

The applicant intends to place fill on a portion of the land to prevent the pooling of water which occurs after rainfall. The block is a natural drainage point for stormwater flows from surrounding residential areas and is subject to inundation during flood events. A Council stormwater pipe outfalls adjacent to the western property boundary.

REPORT DETAILS

Applicant: Wendy Blackwell
Subject Property: Lot 121 DP570529 29-33 William Street, East Kempsey
Zone: 1 (e) (Rural (Floodway) "E" Zone)

The land is a vacant block zoned 1(e) Rural Flood Way "E" Zone with an area of 2250m². The proposed development is permissible with consent.

MOVED:

*Moved: Cl. Saul
Seconded: Cl. Williams*

A That consent be granted subject to the following conditions:

PARAMETERS OF THIS CONSENT

- 1 Development is to be in accordance with approved plans**
The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Version	Prepared by	Dated
Plan showing levels within Lot121 DP570529 Ref. 3610A – Levels	-	P.O Phillis and Associates	9/11/2012

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

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

- 2 Contribution to be paid towards provision or improvement of amenities or services prior to the commencement of any works
The particulars of the contributions levied pursuant to Section 94 of the Act are set out in the following table:

The specific public amenity or service in respect of which the condition is imposed	The contributions plan under which the condition is imposed	Date of contributions plan
Roads and Traffic Infrastructure within Catchment Ten (10)	Local Roads and Traffic Infrastructure Contribution Plan 2009	Jan 2010
Section 94 – Project Administration	Project Administration	10 Aug 2007

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

The contributions set out in the following Schedule shall be paid to Council prior to the commencement of any works. The following contributions are current at the date of this consent. The contributions payable shall be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council offices during office hours. Payments shall only be accepted by cash or bank cheque.

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

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Roads and Traffic Infrastructure	M ³	175.8	\$0.38	\$66.80	30 June 2013
Sub total					
S94 Administration	6% of total Section 94 charge applicable			\$4.00	30 June 2013
TOTAL				\$70.80	

- 3 **Date of Commencement**
Council shall be notified of the commencement of works not less than two (2) days prior to any works commencing. The two (2) day notification to Council shall be in writing and specify the date of commencement.

- 4 Erosion & sediment measures**
Erosion and sedimentation controls shall be in place in accordance with Council's guidelines prior to the commencement of any works.
- 5 Site construction sign required**
Prior to any building or construction works commencing a sign or signs shall be erected in a prominent position at the frontage to the site.

<p style="text-align: center;">THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION</p>
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- 6 Clean material for earthworks**
Only non-contaminated material may be placed on the land or used in the construction of the earthworks. Should evidence of any contaminants become apparent construction is to cease immediately and Council is to be contacted.
- 7 No Vibratory Machinery**
No machinery utilising vibratory rollers shall be used in the construction of the earthworks.
- 8 Construction**
The mound is to be constructed so as to be able to withstand the forces of flooding.
- 9 Construction times**
Construction works shall not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:
- a) Monday to Friday, from 7:00 am to 6:00 pm.
 - b) Saturday, from 8:00 am to 5:00 pm.
- No construction work shall take place on Sundays or Public Holidays.
- 10 Limiting construction noise**
Construction noise is to be limited as follows:
- a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
 - b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).
- 11 Construction dust suppression**
All necessary works shall be undertaken to control dust pollution from the site. These works shall include, but are not limited to:
- a) Restricting topsoil removal;
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion); and

c) Alter or cease work during periods of high wind.

- 12 **All materials to be contained on site**
All materials shall be delivered directly onto the property. Footpaths, road reserves and public reserves shall be maintained clear of any materials at all times.
- 13 **Public liability insurance cover required prior to the commencement of works**
The developer and/or contractor must produce evidence to Council of public liability insurance cover for a minimum of \$20 million.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

- 14 **Maintenance of sediment and erosion control measures**
All sediment and erosion control measures shall be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.
- 15 **Works-as-executed**
Within fourteen (14) days after the completion of the works, Works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, demonstrating that the fill has been completed in accordance with the approved plans are to be supplied to Council.
- 16 **No filling around trees**
Excavations shall not take place within the drip line of any tree that has not been approved for removal, and no soil or fill material shall be placed within the drip line of any tree so as to cause changes in surface level by more than fifty millimetres (50mm) from the existing level. Such soil shall not to be compacted. Such soil fill shall not be finer than that being covered in situ (e.g. clay shall not be placed over loam soil).

An Amendment was **MOVED**:

Moved: Cl. Morris
Seconded: Cl. Gribbin

That this report be deferred for a works inspection and the inclusion of the works within the drain to be included within the development approval.

The **AMENDMENT** was **PUT** to the Meeting and was **LOST**.

A Division resulted in the following votes.

F = Voted For
A = Voted Against

Campbell	A	Green	F	Gribbin	F	Kesby	A	McGinn	A
Morris	F	Patterson	A	Saul	A	Williams	F		

2013. 15 The **MOTION** was **PUT** to the **MEETING** and was **CARRIED**.

A Division resulted in the following votes.

F = Voted For
A = Voted Against

Campbell	F	Green	A	Gribbin	A	Kesby	F	McGinn	F
Morris	A	Patterson	F	Saul	F	Williams	A		

1.5 Continued Use of Alterations and Additions File: T6-12-162

SUMMARY

Reporting that Council has received an application seeking to formalise alterations and additions to an existing dwelling.

2013. 16

RESOLVED:

*Moved: Cl. Morris
Seconded: Cl. Patterson*

- 1 That prior to determination of the development application the applicant be invited to submit an application for a Building Certificate pursuant to Section 149B of the Environmental Planning and Assessment Act.**
- 2 That the applicant be advised that pursuant to Section 149C of the Environmental Planning and Assessment Act, the issuing of a Building Certificate will be contingent upon Council being satisfied that:**
 - a) The building has been duly certified by a Structural Engineer as having been designed to withstand the forces of flooding during the designated 1% AEP flood event.**
 - b) The building is located wholly within the subject land and is not affected by any easements, unmade roads or any other relevant restrictions.**
 - c) The building has been duly certified by a Structural Engineer as having been adequately designed and constructed for the purposes of a dwelling.**
 - d) A certificate has been provided by a licensed pest controller indicating that the building has been treated against termites in accordance with AS3660.1.**
 - e) A certificate has been provided by a licensed glazier indicating that all required glazing in the building is in accordance with AS1288-2006.**
 - f) A certificate has been provided by a licensed plumber indicating that the plumbing and drainage works have been carried out in accordance with AS/NZS 3500-2003 and AS1547-2000 or that the system is performing adequately.**
 - g) A certificate has been provided by a licensed electrician certifying that the smoke alarm/s installed in the building is in accordance with Part 3.7 of BCA and AS3786-1993 and that the electrical works comply with AS 3000 - 2000 "Wiring Rules".**
 - h) A certificate has been provided by a licensed installer certifying that wet area water proofing is in accordance with AS3740-2004 or that the system is performing adequately; and**

i) A report from a B-PAD qualified bushfire consultant shall be provided demonstrating that:

- The building has been upgraded to fully comply with all measures/requirements as detailed by Planning for Bushfire Protection 2006, NSW Rural Fire Service Best Practice Guide to Bushfire Protection – Upgrading of Existing Buildings

3 That upon the issue of a Building Certificate, consent be granted, subject to the following conditions:

PARAMETERS OF THIS CONSENT

1 The development shall be implemented in accordance with the plans and supporting documents set out in the following table, except where modified by any conditions of this consent.

Plan No/ Supporting Document	Version	Prepared by	Dated
Proposed Continuing Use Application (File Reference: 51958-CU)	-	Hadlow Design Services	29/05/2012

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature shall be kept on site at all times while work is being undertaken.

2 Any building work required to be undertaken under this consent shall be carried out in accordance with the requirements of the Building Code of Australia, current at the time of the works.

3 This consent is for the continued use of the building as a dwelling, and is not a retrospective approval for the structure itself. All conditions shall be complied with in accordance with the schedule of compliance agreed to in writing by Council. Council may vary the schedule of compliance from time to time in writing.

4 Approval under Section 68 of the *Local Government Act 1993* to operate the on-site sewage management system shall be obtained from Council. The application for Section 68 approval shall be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent disposal matters, which addresses the site specific design of sewage management in accordance with *Environment & Health Protection Guidelines 1998 – Onsite Sewage Management for Single Households* and Australian Standard *AS 1547-2000: On-site Domestic-Wastewater Management*.

5 The existing access road from the property frontage to the existing dwelling shall be maintained so as to provide practical

all-weather two-wheel drive (2WD) access in accordance with Council's Adopted Engineering Standard.

- 6 All bushfire protection measures required by this consent shall be maintained.

A Division resulted in the following votes.

F = Voted For
A = Voted Against

Campbell	F	Green	F	Gribbin	F	Kesby	F	McGinn	F
Morris	F	Patterson	F	Saul	F	Williams	F		

11 RESCISSION MOTIONS

RM1 Proposed Multiple Dwellings at Smithtown File: T6-12-212

2013. 28 **RESOLVED:** *Moved: Cl. Campbell
Seconded: Cl. Patterson*

That the resolution number 2013.4 from the Works Committee Inspection meeting held Tuesday 22 January 2013 as printed below:

- 1 That the application be deferred until Council undertakes a review of the Flood Plain Policies or the applicant provides detailed flood analysis for this particular site.
- 2 That Council undertake as a matter of urgency a review of the Flood Plain Policies for the Lower Macleay with terms of reference for such study being brought back to Council for approval.

be rescinded.

A Division resulted in the following votes.

F = Voted For
A = Voted Against

Campbell	F	Green	A	Gribbin	A	Kesby	F	McGinn	F
Morris	A	Patterson	F	Saul	F	Williams	F		

MOVED: *Moved: Cl. Campbell
Seconded: Cl. Patterson*

- A That the application be conditionally approved subject to the condition that prior to the issue of a construction certificate the applicant provides Council with an assessment by a Qualified Hydraulic Engineer that confirms the site and the development proposed to comply to "Low Hazard – Flood Fringe" category in accordance with the NSW Government Floodplain Development Manual April 2005.
- B That Council officers report back to Council on the status of the Flood Risk Management Policy incorporating the Lower Macleay and a costing to revise.

C PARAMETERS OF THIS CONSENT

- 1 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.**

Plan No./ Supporting Document	Version	Prepared by	Dated
51998-02DA	A	Hadlow Design Services	12/7/2012

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

- 2 All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.**
- a) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.**

This condition does not apply:

- a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or**
- b) to the erection of a temporary building.**

- 3 Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:**

- a) in the case of work for which a principal contractor is required to be appointed:**
- i) the name and licence number of the principal contractor, and**
- ii) the name of the insurer by which the work is insured under Part 6 of that Act,**
- b) in the case of work to be done by an owner-builder:**
- i) the name of the owner-builder, and**

- ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 4 This consent does not permit commencement of any site works. Works shall not commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

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

Flood

- 5 Prior the issue of a construction certificate the applicant is to provide Council with an assessment by a Qualified Hydraulic Engineer that confirms the site and the development proposed to comply to "Low Hazard – Flood Fringe" category in accordance with the NSW Government Floodplain Development Manual April 2005.
- 6 The flood planning level for this development is R.L. 5.1 A.H.D. plus any allowance contained in the Flood Assessment Report to further mitigate the impacts of flooding at the development site.

The plans and specifications to accompany the construction certificate application are to indicate a minimum floor level that is at or no more than 100mm above the flood planning level.

The plans and specifications to accompany the construction certificate application are also to indicate the use of flood compatible materials, fixtures and power outlets where used in the building below the flood planning level. The flood compatible materials, fixtures and power outlets must be those components listed in the Australian Department of Housing and Construction "Housing in Flood Prone Areas 1975".

- 7 The application for a Construction Certificate is to include plans and specifications that indicate the building has been designed so that all structural members will be capable of withstanding flood forces and the impact of any flotsam (carried by floodwaters) likely to occur for a range of floods up to and including the probable maximum flood estimated for the site. (Refer to the NSW Government's Floodplain Management Manual for guidance on structural design of buildings in flood prone areas and the structural assessment in the Flood Risk Assessment Report).

For the purpose of this assessment the 1 in 100 year flood level may be assumed to be RL4.6m AHD incorporating rising sea levels).

The plans and specifications are to be prepared by a qualified practising Structural Engineer. The Engineer is to be a corporate

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

Such plans and specifications must be approved as part of the Construction Certificate.

Road

- 8 Redundant footpath crossings and/or access culverts are to be removed and reconstructed at the applicant's expense, and footway access restored. Prior consent for the required works must obtain from Council pursuant to Section 138 of the Roads Act 1993.**
- 9 Separate approval from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Guidelines for Subdivision and Development.**

Stormwater

- 10 The application for a Construction Certificate is to include plans and specification for the construction of stormwater disposal from the site in accordance with the plans approved by this consent.**

The engineering plans are to include connection to the kerb via a suitable kerb adaptor. The stormwater system must be designed to comply with the requirements of AS/NZS 3500.3:2003 - *Plumbing and drainage, Part 3: Stormwater drainage*.

Such plans and specifications must be approved as part of the Construction Certificate. Engineering plans and specifications must include details in accordance with Appendix C of AS/NZS 3500.3:2003 - *Plumbing and drainage, Part 3: Stormwater drainage*.

The plans must be in compliance with Council's Adopted Engineering Guidelines for Subdivision and Development.

Sediment and Erosion Control

- 11 The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site.**

Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices. The sediment and erosion control plan is to be designed in accordance with the requirements of the Landcom Blue Book, "Soils and Construction -Managing Urban Stormwater".

The sediment and erosion control plan is to be prepared by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with Council's current Council's Adopted Engineering Guidelines for Subdivision and Development.

Such plans and specifications must be approved as part of the Construction Certificate.

- 12 The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million.**
- 13 The Principal Certifying Authority (PCA) is to ensure that the proposed development is constructed in accordance with the requirements of BASIX Certificate No. 433118S, 12 July 2012. The Plans submitted for approval with the Construction Certificate must include all of the BASIX Certificate commitments indicated in this certificate.**

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

- 14 An approval under Section 68 of the Local Government Act 1993 carry out sewerage work and to connect to the existing water supply and sewerage system network must be obtained.**
- 15 Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design prepared by a qualified practising structural engineer and in accordance with Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the Principal Certifying Authority.**
- 16 Prior to the issue of any Construction Certificate provide the Principal Certifying Authority with three (3) copies of the specifications for the works with reference to Volume 2 BCA clauses and relevant Australian Standards.**
- 17 A Long Service levy must be paid to the Long Service Payments Corporation prior to the issue of a Construction Certificate. This amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change.**

These payments may be made at Council's Administration Office. Cheques are to be made payable to Council.

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

- 18 Sediment and erosion control measures must be installed in accordance with Council's guidelines before any demolition, building or construction work commences.**
- 19 All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.**

- 20 Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:**
- a) with a minimum height of 1.2 metres,**
 - b) outside the dripline of the tree,**
 - c) of steel star pickets at a maximum distance of 2 metres between pickets,**
 - d) using a minimum of 3 strands of steel wire,**
 - e) to enclose the tree, and**
 - f) with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter**

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

- 21 Toilet facilities are to be provided, at or in the vicinity of the work site of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a flushing toilet connected to a public sewer, or if connection to a public sewer is not available, to an onsite sewage management system approved by Council, or to an approved temporary chemical water closet.**
- 22 A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:**
- a) showing the name, address and telephone number of the principal certifying authority for the work, and**
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
 - c) stating that unauthorised entry to the work site is prohibited.**

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

- 23 Three (3) sets of structural engineers details prepared and certified by a practicing structural engineer detailing all reinforced concrete and structural members shall be submitted to the principal certifier for consideration fourteen (14) days prior to the commencement of that particular stage of work.**
- 24 Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Standard.**

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

- 25 The public liability insurance cover required by this consent shall be maintained for the duration of the period of all works and during any maintenance period.**
- 26 All necessary works are to be undertaken to control dust pollution from the site. These works must include, but are not limited to:**
- a) Restricting topsoil removal;**
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;**
 - c) Alter or cease construction work during periods of high wind.**
- 27 Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:**
- a) Monday to Friday, from 7 am to 6 pm.**
 - b) Saturday, from 8 am to 1 pm.**
- No construction work is to take place on Sundays or Public Holidays.**
- 28 Construction noise is to be limited as follows:**
- a) For construction periods of four(4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20dB(A).**
 - b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).**
- 29 All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.**
- 30 Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.**
- 31 Glazing materials used in the building are to be selected in accordance with the provisions of Australian Standard AS 1288 *SAA Glass Installation Code* and must comply with the requirements of Australian Standard AS 2208 "Safety Glazing Materials for Use in Buildings (Human Impact Considerations)" as required by the Building Code of Australia.**

Windows must be constructed to comply with Australian Standard AS 1288 or Australian Standard AS 2047. Written certification must be submitted to principal certifier prior to occupation inspection to confirm that glazing selection, manufacture and installation has been

completed in accordance with the relevant Australian Standards for the job specific project.

- 32 Prior to the issue of a Construction Certificate the applicant is to apply and obtain for a Certificate of Compliance in accordance with the provisions contained in Division 5 of the *Water Management Act 2000*. The Certificate of Compliance shall certify that all works and/or contributions required for the approved development have been completed and/or paid. (*Refer to advice section x*).
- 33 The particulars of the contributions levied pursuant to Section 94 of the Act are set out in the following table:

The specific public amenity or service in respect of which the condition is imposed.	The contributions plan under which the condition is imposed	Date of contributions plan
Outdoor Recreation	Outdoor Recreation 2001	Sep 2001
Roads and Traffic Infrastructure within Catchment Ten (10)	Local Roads and Traffic Infrastructure Contribution Plan 2009	Jan 2010
Public Domain	Kempsey Town Centre Public Domain Section 94 Development Contribution Plan	Aug 2010
Section 94 – Project Administration	Project Administration	10 Aug 2007

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

The contributions set out in the following Schedule shall be paid to Council prior to the issue of a Construction Certificate. The following contributions are current at the date of this consent. The contributions payable shall be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council offices during office hours. Payments shall only be accepted by cash or bank cheque.

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

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Outdoor Recreation	ET	1.0	\$593	\$593.00	30 June 2013
Roads and Traffic Infrastructure	EP	2.5	\$1,415	\$3,537.50	30 June 2013

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Public Domain	EP	2.5	\$412	\$1,030.00	30 June 2013
Sub total				\$5,160.50	
S94 Administration	6% of total Section 94 charge applicable			\$309.63	30 June 2013
TOTAL				\$5,470.13	

Note: The above "unit types" are ET (equivalent tenancy) and EP (equivalent persons). See the relevant contribution plan for further information

- 34 The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.**
- 35 All wiring, power outlets, switches, etc., must be provided in accordance with the following requirements:**
- a) To the maximum extent possible must be located above the flood planning level;
 - b) All electrical equipment installed below the flood planning level must be suitable for continuous submergence in water and must not contain fibrous components;
 - c) All electrical equipment installed below the flood planning level must be capable of disconnection by a single plug and socket assembly;
 - d) Electrical circuits to areas below the flood planning level must be separated from circuits serving areas above the flood planning level;
 - e) Only submersible-type splices are to be used below flood planning level;
 - f) All conduits located below flood planning level are to be so installed that they will be self-draining when subjected to flooding; and
 - g) Any existing wiring is to be certified by a licensed electrical contractor as compliant with current electrical standards.
- 36 Water efficient devices, with a AAA rating, must be installed throughout the building, including:**
- a) Pressure limiting valves;
 - b) Dual flush toilet systems, and

- c) **Water efficient shower nozzles.**

All new hot water systems are to have a minimum rating of 3.5 stars.

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

- 37 All of the works shown on the plans and granted by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of an Occupation Certificate.**

ADVICE

The Environmental Planning and Assessment Act 1979 require you to: Obtain a Construction Certificate prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a *Construction Certificate*. An accredited certifier must obtain Council's approval to certain conditions of this development consent, where indicated before issuing the Construction Certificate.

Nominate a *Principal Certifying Authority (PCA)* which may be either Council or an accredited certifier and notify Council of that appointment. You cannot lawfully commence works without complying with this requirement.

Give Council at least two (2) days notice of your intention to commence the erection of a building before commencing construction works by lodging the '*Notice of Commencement of Building Works and Appointment of the Principal Certifying Authority*' form enclosed. You cannot lawfully commence works without complying with this requirement.

Obtain an *Occupation Certificate* before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign by lodging the '*Application for Occupation Certificate*' form enclosed. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

Essential Energy

Excerpt from the Standard Form Customer Supply Contract (Effective 2 February 2004)

8 ACCESS AND YOUR OBLIGATIONS TOWARDS EQUIPMENT

8.1 ACCESS TO YOUR PREMISES

- (1) you must provide authorised officers with safe and unhindered access to the premises during reasonable daylight hours to:**
 - a) read meters**
 - b) inspect, test, adjust, repair or remove any of our equipment installed at the premise; or**
 - c) exercise any other rights or carry out any other duties set out in this contract or any laws**

For more information please visit
www.essentialenergy.com.au/meteraccess

The complete *Service and Installation Rules of New South Wales October 2006* can be found by visiting the Publications page at
www.deus.nsw.gov.au

Certificate of Compliance

A Certificate of Compliance shall be issued when all contributions are paid or arrangement made and all infrastructures necessary to service the development has been completed in full.

Contributions set out in the following table shall be paid to Council prior to the issue of a Certificate of Compliance. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water dated July 2006. The Plans may be viewed during office hours at Council's Offices.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. Payments will only be accepted by cash or bank cheque.

The Certificate of Compliance under Section 306 of the Water Management Act 2000, identifying payment of the contributions, is to be provided to the Principal Certifying Authority.

To obtain a Certificate of Compliance from Council payment of the following contributions to Council is required:

Public service	No. of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable
Water	1.0 ET	\$8,797	\$8,797.00	30 June 2013
Sewer	1.0 ET	\$7,421	\$7,421.00	30 June 2013
TOTAL			\$16,218.00	

An Amendment was **MOVED**:

*Moved: Cl. Morris
Seconded: Cl. Green*

- A** That the application be conditionally approved subject to the condition that prior to the issue of a construction certificate the applicant provides Council with an assessment by a Qualified practicing Flood Risk Engineer that confirms the site and the development proposed to comply to "Low Hazard – Flood Fringe" category in accordance with the NSW Government Floodplain Development Manual April 2005.
- B** That Council officers report back to Council on the status of the Flood Risk Management Policy incorporating the Lower Macleay and a costing to revise.
- C** That a report be brought back to Council on the implementation of the existing Lower Macleay Floodplain Management Plan and that items

that have not been actioned be added to Council's unfunded list.

D PARAMETERS OF THIS CONSENT

- 1 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.**

Plan No./ Supporting Document	Version	Prepared by	Dated
51998-02DA	A	Hadlow Design Services	12/7/2012

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

- 2 All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.**
- a) **In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.**

This condition does not apply:

- a) **to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or**
- b) **to the erection of a temporary building.**
- 3 Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:**
- a) **in the case of work for which a principal contractor is required to be appointed:**
- i) **the name and licence number of the principal contractor, and**
- ii) **the name of the insurer by which the work is insured under Part 6 of that Act,**
- b) **in the case of work to be done by an owner-builder:**

- i) the name of the owner-builder, and
- ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 4 This consent does not permit commencement of any site works. Works shall not commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

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

Flood

- 5 Prior the issue of a construction certificate the applicant is to provide Council with an assessment by a Qualified Hydraulic Engineer that confirms the site and the development proposed to comply to "Low Hazard – Flood Fringe" category in accordance with the NSW Government Floodplain Development Manual April 2005.
- 6 The flood planning level for this development is R.L. 5.1 A.H.D. plus any allowance contained in the Flood Assessment Report to further mitigate the impacts of flooding at the development site.

The plans and specifications to accompany the construction certificate application are to indicate a minimum floor level that is at or no more than 100mm above the flood planning level.

The plans and specifications to accompany the construction certificate application are also to indicate the use of flood compatible materials, fixtures and power outlets where used in the building below the flood planning level. The flood compatible materials, fixtures and power outlets must be those components listed in the Australian Department of Housing and Construction "Housing in Flood Prone Areas 1975".

- 7 The application for a Construction Certificate is to include plans and specifications that indicate the building has been designed so that all structural members will be capable of withstanding flood forces and the impact of any flotsam (carried by floodwaters) likely to occur for a range of floods up to and including the probable maximum flood estimated for the site. (Refer to the NSW Government's Floodplain Management Manual for guidance on structural design of buildings in flood prone areas and the structural assessment in the Flood Risk Assessment Report).

For the purpose of this assessment the 1 in 100 year flood level may be assumed to be RL4.6m AHD incorporating rising sea levels).

The plans and specifications are to be prepared by a qualified

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

Such plans and specifications must be approved as part of the Construction Certificate.

Road

- 8 Redundant footpath crossings and/or access culverts are to be removed and reconstructed at the applicant's expense, and footway access restored. Prior consent for the required works must obtain from Council pursuant to Section 138 of the Roads Act 1993.**
- 9 Separate approval from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Guidelines for Subdivision and Development.**

Stormwater

- 10 The application for a Construction Certificate is to include plans and specification for the construction of stormwater disposal from the site in accordance with the plans approved by this consent.**

The engineering plans are to include connection to the kerb via a suitable kerb adaptor. The stormwater system must be designed to comply with the requirements of AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.

Such plans and specifications must be approved as part of the Construction Certificate. Engineering plans and specifications must include details in accordance with Appendix C of AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.

The plans must be in compliance with Council's Adopted Engineering Guidelines for Subdivision and Development.

Sediment and Erosion Control

- 11 The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site.**

Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices. The sediment and erosion control plan is to be designed in accordance with the requirements of the Landcom Blue Book, "Soils and Construction -Managing Urban Stormwater".

The sediment and erosion control plan is to be prepared by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and

competence in the related field.

The plans must be in compliance with Council's current Council's Adopted Engineering Guidelines for Subdivision and Development.

Such plans and specifications must be approved as part of the Construction Certificate.

- 12 The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million.
- 13 The Principal Certifying Authority (PCA) is to ensure that the proposed development is constructed in accordance with the requirements of BASIX Certificate No. 433118S, 12 July 2012. The Plans submitted for approval with the Construction Certificate must include all of the BASIX Certificate commitments indicated in this certificate.

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

- 14 An approval under Section 68 of the Local Government Act 1993 carry out sewerage work and to connect to the existing water supply and sewerage system network must be obtained.
- 15 Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design prepared by a qualified practising structural engineer and in accordance with Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the Principal Certifying Authority.
- 16 Prior to the issue of any Construction Certificate provide the Principal Certifying Authority with three (3) copies of the specifications for the works with reference to Volume 2 BCA clauses and relevant Australian Standards.
- 17 A Long Service levy must be paid to the Long Service Payments Corporation prior to the issue of a Construction Certificate. This amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change.

These payments may be made at Council's Administration Office. Cheques are to be made payable to Council.

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

- 18 Sediment and erosion control measures must be installed in accordance with Council's guidelines before any demolition, building or construction work commences.
- 19 All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

- 20 Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:**
- a) with a minimum height of 1.2 metres,**
 - b) outside the dripline of the tree,**
 - c) of steel star pickets at a maximum distance of 2 metres between pickets,**
 - d) using a minimum of 3 strands of steel wire,**
 - e) to enclose the tree, and**
 - f) with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter**

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

- 21 Toilet facilities are to be provided, at or in the vicinity of the work site of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a flushing toilet connected to a public sewer, or if connection to a public sewer is not available, to an onsite sewage management system approved by Council, or to an approved temporary chemical water closet.**
- 22 A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:**
- a) showing the name, address and telephone number of the principal certifying authority for the work, and**
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
 - c) stating that unauthorised entry to the work site is prohibited.**

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

- 23 Three (3) sets of structural engineers details prepared and certified by a practicing structural engineer detailing all reinforced concrete and structural members shall be submitted to the principal certifier for consideration fourteen (14) days prior to the commencement of that particular stage of work.**
- 24 Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Standard.**

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING

CONSTRUCTION

- 25 The public liability insurance cover required by this consent shall be maintained for the duration of the period of all works and during any maintenance period.**
- 26 All necessary works are to be undertaken to control dust pollution from the site. These works must include, but are not limited to:**
- a) Restricting topsoil removal;**
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;**
 - c) Alter or cease construction work during periods of high wind.**
- 27 Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:**
- a) Monday to Friday, from 7 am to 6 pm.**
 - b) Saturday, from 8 am to 1 pm.**
- No construction work is to take place on Sundays or Public Holidays.**
- 28 Construction noise is to be limited as follows:**
- a) For construction periods of four(4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20dB(A).**
 - b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).**
- 29 All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.**
- 30 Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.**
- 31 Glazing materials used in the building are to be selected in accordance with the provisions of Australian Standard AS 1288 *SAA Glass Installation Code* and must comply with the requirements of Australian Standard AS 2208 "Safety Glazing Materials for Use in Buildings (Human Impact Considerations)" as required by the Building Code of Australia.**

Windows must be constructed to comply with Australian Standard AS 1288 or Australian Standard AS 2047. Written certification must be submitted to principal certifier prior to occupation inspection to

confirm that glazing selection, manufacture and installation has been completed in accordance with the relevant Australian Standards for the job specific project.

- 32 Prior to the issue of a Construction Certificate the applicant is to apply and obtain for a Certificate of Compliance in accordance with the provisions contained in Division 5 of the *Water Management Act 2000*. The Certificate of Compliance shall certify that all works and/or contributions required for the approved development have been completed and/or paid. (*Refer to advice section x*).
- 33 The particulars of the contributions levied pursuant to Section 94 of the Act are set out in the following table:

The specific public amenity or service in respect of which the condition is imposed.	The contributions plan under which the condition is imposed	Date of contributions plan
Outdoor Recreation	Outdoor Recreation 2001	Sep 2001
Roads and Traffic Infrastructure within Catchment Ten (10)	Local Roads and Traffic Infrastructure Contribution Plan 2009	Jan 2010
Public Domain	Kempsey Town Centre Public Domain Section 94 Development Contribution Plan	Aug 2010
Section 94 – Project Administration	Project Administration	10 Aug 2007

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

The contributions set out in the following Schedule shall be paid to Council prior to the issue of a Construction Certificate. The following contributions are current at the date of this consent. The contributions payable shall be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council offices during office hours. Payments shall only be accepted by cash or bank cheque.

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

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Outdoor Recreation	ET	1.0	\$593	\$593.00	30 June 2013
Roads and Traffic Infrastructure	EP	2.5	\$1,415	\$3,537.50	30 June 2013

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Public Domain	EP	2.5	\$412	\$1,030.00	30 June 2013
Sub total				\$5,160.50	
S94 Administration	6% of total Section 94 charge applicable			\$309.63	30 June 2013
TOTAL				\$5,470.13	

Note: The above "unit types" are ET (equivalent tenancy) and EP (equivalent persons). See the relevant contribution plan for further information

- 34 The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.**
- 35 All wiring, power outlets, switches, etc., must be provided in accordance with the following requirements:**
- a) To the maximum extent possible must be located above the flood planning level;
 - b) All electrical equipment installed below the flood planning level must be suitable for continuous submergence in water and must not contain fibrous components;
 - c) All electrical equipment installed below the flood planning level must be capable of disconnection by a single plug and socket assembly;
 - d) Electrical circuits to areas below the flood planning level must be separated from circuits serving areas above the flood planning level;
 - e) Only submersible-type splices are to be used below flood planning level;
 - f) All conduits located below flood planning level are to be so installed that they will be self-draining when subjected to flooding; and
 - g) Any existing wiring is to be certified by a licensed electrical contractor as compliant with current electrical standards.
- 36 Water efficient devices, with a AAA rating, must be installed throughout the building, including:**
- a) Pressure limiting valves;
 - b) Dual flush toilet systems, and

- c) **Water efficient shower nozzles.**

All new hot water systems are to have a minimum rating of 3.5 stars.

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

- 37 All of the works shown on the plans and granted by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of an Occupation Certificate.**

ADVICE

The Environmental Planning and Assessment Act 1979 require you to: Obtain a Construction Certificate prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a *Construction Certificate*. An accredited certifier must obtain Council's approval to certain conditions of this development consent, where indicated before issuing the Construction Certificate.

Nominate a *Principal Certifying Authority (PCA)* which may be either Council or an accredited certifier and notify Council of that appointment. You cannot lawfully commence works without complying with this requirement.

Give Council at least two (2) days notice of your intention to commence the erection of a building before commencing construction works by lodging the '*Notice of Commencement of Building Works and Appointment of the Principal Certifying Authority*' form enclosed. You cannot lawfully commence works without complying with this requirement.

Obtain an *Occupation Certificate* before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign by lodging the '*Application for Occupation Certificate*' form enclosed. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

Essential Energy

Excerpt from the Standard Form Customer Supply Contract (Effective 2 February 2004)

8 ACCESS AND YOUR OBLIGATIONS TOWARDS EQUIPMENT

8.1 ACCESS TO YOUR PREMISES

- (1) you must provide authorised officers with safe and unhindered access to the premises during reasonable daylight hours to:**
 - a) read meters**
 - b) inspect, test, adjust, repair or remove any of our equipment installed at the premise; or**
 - c) exercise any other rights or carry out any other duties set out in this contract or any laws**

For more information please visit
www.essentialenergy.com.au/meteraccess

The complete *Service and Installation Rules of New South Wales October 2006* can be found by visiting the Publications page at
www.deus.nsw.gov.au

Certificate of Compliance

A Certificate of Compliance shall be issued when all contributions are paid or arrangement made and all infrastructures necessary to service the development has been completed in full.

Contributions set out in the following table shall be paid to Council prior to the issue of a Certificate of Compliance. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water dated July 2006. The Plans may be viewed during office hours at Council's Offices.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. Payments will only be accepted by cash or bank cheque.

The Certificate of Compliance under Section 306 of the Water Management Act 2000, identifying payment of the contributions, is to be provided to the Principal Certifying Authority.

To obtain a Certificate of Compliance from Council payment of the following contributions to Council is required:

Public service	No. of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable
Water	1.0 ET	\$8,797	\$8,797.00	30 June 2013
Sewer	1.0 ET	\$7,421	\$7,421.00	30 June 2013
TOTAL			\$16,218.00	

The AMENDMENT was PUT to the Meeting and was LOST.

A Division resulted in the following votes.

F = Voted For
A = Voted Against

Campbell	A	Green	F	Gribbin	F	Kesby	A	McGinn	A
Morris	F	Patterson	A	Saul	A	Williams	A		

2013. 29 The MOTION was PUT to the MEETING and was CARRIED.

A Division resulted in the following votes.

F = Voted For
A = Voted Against

Campbell	F	Green	A	Gribbin	A	Kesby	F	McGinn	F
Morris	A	Patterson	F	Saul	F	Williams	F		

1.4 Proposed Thirty-Three (33) Lot Subdivision File: T6-10-379

SUMMARY

Reporting that Council has received a Development Application for a thirty-three (33) lot subdivision, which requires support of a State Environmental Planning Policy No. 1 objection, including a variation to Council's Flood Risk Management Strategy, for which objections have been received.

Applicant: GEOLINK Pty Ltd - Simon Waterworth
 Subject Property: Lot 4 DP1124599 North Street, West Kempsey
 Zone/s: 2(a) (Residential "A" Zone); and
 1(e) (Rural (Floodway) "E" Zone)

2013. 33 RESOLVED: *Moved: Cl. Patterson
 Seconded: Cl. Saul*

- A That the proposed variation to Clause 6.3.5 of Council's Flood Risk Management Strategy Policy be approved.**
- B That the SEPP 1 application to vary Clause 12(1)(c) of the Kempsey Local Environmental Plan 1987 be approved.**
- C That consent be granted subject to the following conditions:**

PARAMETERS OF THIS CONSENT

- 1 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.**

Plan No./ Supporting Document	Version	Prepared by	Dated
Layout plan (file reference 51741-da, drawing ref: 5174 rezone.dwg)	no. a (road 2 cul-de-sac, fill limits)	Hadlow Design Services	9/05/11
Street Tree Planting Plan (Drawing Number 1601/001)	-	GeoLINK	Jan 2011
Street Tree Planting Plan (Drawing Number 1601/002)	-	GeoLINK	Jan 2011
Mosquito & Wetland plan (file reference 51741-da, drawing ref: 5174 rezone.dwg)	-	Hadlow Design Services (amended by Council)	31/1/13

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

- 2 All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.**

This condition does not apply:

- a) To the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or**
- b) To the erection of a temporary building.**

- 3 This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE
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- 4 Prior to the issue of any Construction Certificate a Geotechnical Specification shall be provided to Council detailing the supply and placement of fill materials, prepared by a N.A.T.A Registered Geotechnical Engineer, and shall include but not be limited to the following:**
- a) Identify the proposed source of fill;**
 - b) Method of delivery of fill material to the site;**
 - c) Geological / Geotechnical Analysis of the proposed fill material;**
 - d) Quality Assurance Regime;**
 - e) Method and full engineering details of retaining the proposed fill;**
 - f) A certificate from a professional Geotechnical Engineer shall be provided to Council, certifying that:**
 - i) The design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate in accordance with the relevant Australian Standards;**
 - ii) The civil engineering works will not be affected by landslip or subsidence either above or below the works;**
 - iii) Adequate drainage has been provided with appropriate**

considerations given to groundwater constraints.

iv) That the fill will be suitable for its intended purpose.

g) Any other matters.

- 5 Prior to the issue of any Construction Certificate three (3) copies of engineering construction plans and specifications shall be provided to Council. Such plans are to provide for the works in the following table in accordance with Council's Development Control Plan No. 36. Such plans are to be prepared by a suitably experienced, qualified and currently practicing Civil Engineer.

Required work	Specification of work
Road Construction	Road and drainage construction for all proposed roads on the approved plan in accordance with the requirements of Development Control Plan No. 36 – Table D1.5.
Intersection Construction	Provision of an Urban Intersection, designed and constructed in accordance with the provisions of Development Control Plan 36 and the Austroad Guide "Intersections at Grade", with kerb and gutter.
Layback Kerb	Provision of functional vehicular access to all proposed lots (including existing lots) (i.e., provision of layback type kerb and gutter along the full length of the internal road).
Concrete Footpath	Provision of concrete footpath in accordance with the requirements of Development Control Plan No. 36.
Street Lighting	Street lighting shall be designed to minimise spillage on retained trees and the freshwater wetland.
"No Through" Road Signage	Applicant is to supply and install a "no through" road sign at the intersection of North Street and Road One (1), and at the intersection of Road One (1) and Road Two (2).
Stripping and Stockpiling	Stripping and stockpiling of existing topsoil on site, prior to commencement of earthworks, and the subsequent re-spreading of this material together with a sufficient quantity of imported topsoil so as to provide a minimum thickness of 80mm over the allotments and footpaths and public reserves, upon completion of the development works.

Required work	Specification of work
Cut and Fill	Cut and fill to be designed to ensure all cut and filled areas are suitably engineered for their intended purpose.
Fencing	Details of fencing which is to be provided on the western boundary of the existing residential development at the full cost to the developer.

- 6 Prior to the issue of any Construction Certificate certification that all approved works have been designed so as to be capable of withstanding flood forces up to and including the 1% AEP flood event shall be provided to the Principal Certifying Authority for approval. This certification shall account for the impacts of any flotsam (carried by floodwaters). Velocities to be adopted for the calculation of forces created by flood waters and debris loading are to be at least three (3) times the velocities determined in Council's current Flood Management Study for the 1% AEP flood event. For the purpose of this certification the 1% AEP flood level may be assumed to be RL 7.91 metres AHD. This certification shall be prepared by a qualified practising civil or structural engineer. This certification shall be approved by the Principal Certifying Authority as part of any Construction Certificate.
- 7 Prior to the issue of any Construction Certificate an approval under Section 138 of the *Roads Act 1993* shall be obtained from Council for all necessary works within the road reserve. Three (3) copies of engineering construction plans shall accompany the application for consent for works within the road reserve. Such plans shall be in accordance with Council's Adopted Engineering Standard. This approval shall be approved by the Principal Certifying Authority as part of any Construction Certificate.
- 8 An approval under Section 68 of the *Local Government Act 1993* to carry out water and sewer works shall be obtained from Council and provided to the Principal Certifying Authority prior to the issue of any Construction Certificate. This approval shall be approved by the Principal Certifying Authority as part of any Construction Certificate.
- 9 Prior to the issue of any Construction Certificate stormwater drainage engineer's details for the provision of a stormwater drainage system to convey all existing and proposed stormwater flows through this development shall be submitted to Council for approval. These stormwater drainage engineer's details shall be prepared by an appropriately experienced, qualified and practicing Civil Engineer in accordance with Council's Adopted Engineering Standard, the most recent version of *Australian Rainfall and Runoff (1987)*, and AS/NZS 3500.3:2003 - *Plumbing and drainage, Part 3: Stormwater drainage*. The stormwater drainage system shall be designed in accordance with Council's *Development Control Plan No. 36*, with consideration for future upstream flows. All piped drainage lines over adjoining land (including inter-allotment drainage) are to be located within drainage easements. All such stormwater drainage engineer's details shall be approved by the Council as part of any Construction Certificate.

- 10** Prior to the issue of any Construction Certificate a Streetscape Plan prepared by a suitably qualified Landscape Architect shall be provided to Council. The Streetscape Plan shall be prepared in accordance with Development Control Plan 36, Section D13. The Streetscape Plan shall include a maintenance schedule for the first twelve (12) months, including replacement of dead and/or damaged stock. The Streetscape Plan shall be based on the approved Street Tree Planting Plan (Drawing Number 1601/002), however shall either:
- a) Provide written confirmation that satisfactory arrangements have been made with the electricity provider to provide aerial insulated bundling of the overhead power lines in North Street to allow the planting of taller trees; OR
 - b) Replace the proposed Australian Teak (*Flindersia australis*) plantings in North Street with a species compatible with overhead power lines, such as Water Gum (*Tristaniopsis laurina*).
- 11** Prior to the issue of any Construction Certificate a Sediment and Erosion Control Plan shall be submitted to the Principal Certifying Authority for approval. This Sediment and Erosion Control Plan shall be prepared shall be prepared by an appropriately experienced and qualified professional, in accordance with the most recent version of the Landcom publication "*Managing Urban Stormwater - Soils and Construction.*" This Sediment and Erosion Control Plan shall include measures to manage weeds in and around the construction areas. This Sediment and Erosion Control Plan shall be approved by the Principal Certifying Authority as part of any Construction Certificate.
- 12** Prior to the issue of any Construction Certificate three (3) street name options for each new street shall be provided to Council.
- 13** Prior to the issue of any Construction Certificate, details of the method(s) to be employed by the appointed Civil Contractor to dispose of cleared vegetation shall be lodged with Council. Please note that Council will not accept burning off of fallen materials onsite as a means of disposal.
- 14** Prior to the issue of any Construction Certificate the Principal Certifying Authority shall ensure that a Long Service Levy has been paid to the Long Service Payments Corporation. The amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change without notice. The requirements of the State Government supersede this condition.
- This payment may be made at Council's Customer Service Centre. Cheques shall be made payable to Kempsey Shire Council.
- 15** Prior to the issue of any Construction Certificate details demonstrating full compliance with all General Terms of Approval shall be provided to the Principal Certifying Authority for approval. These details shall be approved by the Principal Certifying Authority as part of any Construction Certificate.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY WORKS COMMENCING

- 16 Not less than one (1) month prior to the commencement of any works, including clearing works, at least 36 nest boxes shall be installed either within the remaining trees on the site, or within five-hundred (500) metres of the site. The installation of all nest boxes shall be supervised by a qualified ecologist. A range of nest boxes sizes/designs shall be used to mimic the various sizes of the hollows that have been removed, as follows:**

Nest Box Design/Target Fauna	Number of Nest Boxes
Microbats	15
Squirrel Glider	3
Sugar Glider	3
Brushtail Possum	3
Brush-tailed Phascogale	3
Lorikeet/Rosella	4
Galahs	3
Kookaburra	2
TOTAL	36

Where possible, the location for the nest boxes will adhere to the following criteria:

- a) **Nest boxes for possums and gliders should be located on *Eucalypt spp.* or *Corymbia spp.* in areas that are interconnected with larger forest/woodland habitat areas;**
 - b) **Nest boxes would be located in close proximity to potential food sources of the target species to reduce travelling distances and conserve energy; and**
 - c) **Nest boxes for insectivorous bats would be located near water sources and within or adjacent to potential flyways.**
 - d) **A written report is to be provided to Council by the ecologist indicating that works have been completed in accordance with this condition and the recommendations of the Report submitted.**
- 17 Council shall be notified of the commencement of works not less than two (2) days prior to any works commencing. The two (2) day notification to Council shall be in writing and specify the date of commencement.**
- 18 Prior to any works commencing evidence shall be provided to the Principal Certifying Authority of public liability insurance cover for a minimum of \$20 million. Council shall be nominated as an interested party on the policy.**
- 19 Prior to the commencement of any trees to be retained shall be clearly mapped and marked in the field prior to any vegetation removal. The drip line of trees to be retained shall be fenced off. No materials, plant equipment or vehicles shall be stored in this area, and no soil/root disturbance is permitted.**

- 20 Prior to the commencement of any works a sign or signs shall be erected in a prominent position at the frontage to the site:**
- a) Showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work;**
 - b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and**
 - c) Stating that unauthorised entry to the work site is prohibited.**

The sign/s shall be maintained while the building work, subdivision work or demolition work is being carried out, and shall be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

- 21 Prior to the commencement of any works toilet facilities shall be provided or made available at or in the vicinity of the work site at a rate of one toilet for every 20 persons (or part of 20 persons) employed at the site. Each toilet provided shall be a flushing toilet with an approved connection to Council's sewer system, or to an approved temporary chemical water closet.**
- 22 All controls shall be in place in accordance with the approved Erosion and Sediment Control Plan.**

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING ANY WORKS
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- 23 The public liability insurance cover required by this consent shall be maintained for the duration of the period of all works and during any maintenance period.**
- 24 No storage of materials, waste, plant or other construction features is permitted within the area of proposed Lot 19.**
- 25 An Aboriginal Field Officer from the NSW National Parks and Wildlife Service and/or the Kempsey Local Aboriginal Land Council shall be present during all earthworks.**
- 26 All personnel involved in the clearing and construction works shall be informed of the relevant ecological management measures during the site induction. The relevance of marked items including clearing boundaries and subsequent requirements shall be communicated to all contractors.**
- 27 Construction works shall not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:**
- a) Monday to Friday, from 7:00 am to 6:00 pm.**
 - b) Saturday, from 8:00 am to 1:00 pm.**

No construction work is to take place on Sundays or Public Holidays.

- 28 Construction noise is to be limited as follows:**
- a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation shall not exceed the background level by more than 20 dB(A); or**
 - b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation shall not exceed the background level by more than 10 dB(A).**
- 29 A suitably qualified and experienced ecological shall be present during the tree removal of any trees. Any tree removal shall adhere to the following procedure:**
- a) A pre-clearing survey shall be undertaken by the ecologist immediately prior to the commencement of any vegetation clearing. The primary aim of this survey shall be to inspect the habitats within and adjoining the clearing areas for any fauna (particularly threatened species), including visual arboreal searches and active searches of hollow logs/tree trunks; to minimise the risk of direct mortality or injury during vegetation clearing. Any ground dwelling fauna would be captured by the ecologist and appropriately relocated into suitable habitat areas.**
 - b) If arboreal fauna are detected, a ten (10) metre construction buffer area shall be established around trees with non-threatened fauna, while a twenty-five (25) metre construction buffer area shall be established around significant fauna until the specimen voluntarily moves on.**
 - c) Removal of hollow-bearing trees shall be undertaken in accordance with the following procedure:**
 - i) All trees (including potential hollow-bearing trees which may contain hollows which are not visible to an on-ground observer) shall be cleared using the following procedures where possible and in accordance with Occupational Health and Safety requirements;**
 - The subject tree shall be gently “bumped” three times over a minimum 5 minute period (minimum 1 minute pause between bumps). The aim of this procedure is to encourage nesting/denning /roosting hollow dependant fauna to disperse. If fauna are identified this would continue until a minimum five (5) minute period where no fauna are detected evacuating the tree is experienced;**
 - At least one (1) minute after the final bump, the subject tree may be felled. The tree would be felled slowly (e.g. using an excavator to dig around the roots than gently push the tree over); and**

- **Felling of any of the subject hollow-bearing tree would occur during late March or April to avoid the breeding/maturity periods of potentially roosting locally recorded hollow-obligated microchiropteran bats.**
 - d) **Once fallen the suitably qualified ecologist shall inspect the hollows and capture and appropriately relocate any detected fauna (i.e. to the established local nest boxes), as well as record any detected fauna mortality.**
 - e) **The tree shall be left at the felled site for at least 48 hours after being fallen.**
 - f) **Should injured fauna be found on the site, local wildlife care groups and/or local veterinarians shall be contacted immediately and arrangements made for the immediate welfare of the animal. The phone number of the local FAWNA group shall be known to the ecologist and project foremen.**
 - g) **A written report shall be provided to Council following the removal of hollow-bearing trees and the pre-clearing survey detailing all results and actions undertaken, as well as a review of the methodology and its success in minimising fauna mortality.**
 - h) **All fallen trees shall not be burnt, but disposed of via mulching and used appropriately on site or at an off-site location.**
- 30 Only clean fill from a licenced quarry shall be used for any works onsite.**
- 31 All erosion and sediment controls shall be maintained at all times in accordance with the approved Erosion and Sediment Control Plan until the site has been stabilised by permanent vegetation or hard surface.**
- 32 All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.**
- 33 No soil or fill material is to be placed within the drip line of any retained tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil/fill must be finer than that being covered in situ (e.g., clay must not be placed over loam soil).**
- 34 All works shall be constructed to at least the minimum requirements of Council's Adopted Engineering Standard.**
- 35 A copy of this Development Consent and the approved Construction Certificate (including plans, details and specifications) must remain at the site at all times during the construction of the subdivision.**

- 36 The developer shall supply and erect street signs with the approved street names in accordance with this development consent and the Construction Certificate approval.
- 37 All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.

**THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO
ISSUE OF ANY SUBDIVISION CERTIFICATE**

- 38 Prior to the issue of any Subdivision Certificate written evidence from Council shall be provided to the Principal Certifying Authority demonstrating that Council is satisfied that all infrastructure is maintained/repared to pre-development conditions and that no further work is to be carried out that may result in damage to Council's roads, curb and gutter, footpaths, services, etc. Council shall not issue such written evidence until such time as evidence has been provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets caused as a result of construction works under this consent.
- 39 Prior to the issue of any Subdivision Certificate all of the works shown on the plans and granted by this consent, including any other consent that is necessary for the completion of this development, and any rectification works to damaged Council land or infrastructure, have been completed in full and approved by the Principal Certifying Authority and any other relevant consent authority/s.
- 40 Prior to the issue of any Subdivision Certificate all required works within the road reserve have been completed in full in accordance with the relevant approval under Section 138 of the *Roads Act 1993* and all accompanying approved plans and details.
- 41 Prior to the issue of any subdivision Certificate a fence at the full cost of the owner of the property is to be installed on the western boundary to the existing residential development.
- 42 Prior to the issue of any Subdivision Certificate all required water, sewer, and stormwater works have been completed in full in accordance with relevant approvals under Section 68 of the *Local Government Act 1993* and all accompanying approved plans and details.
- 43 Prior to the issue of any Subdivision Certificate an application for a Subdivision Certificate shall made on the approved form. The Subdivision Certificate application fees, in accordance with Council's adopted schedule of fees and charges, shall accompany such application. Seven (7) copies of the plan of subdivision shall be submitted with the application for a Subdivision Certificate. The location of all buildings and/or other permanent improvements including fences and internal access driveways/roads shall be indicated on one (1) of the copies.

A Section 88B Instrument and one (1) copy are to be submitted with the application for a Subdivision Certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for the items listed in the following table:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Mosquito Management	<p>The creation of restrictions to require any dwellings within the development to have:</p> <ul style="list-style-type: none"> a) effective insect screening to all windows, doors and other openings; and b) an outdoor living area with effective insect screening.
Mosquito Buffer	<p>The creation of a positive covenant on Lot 19 which requires a strip of land to be kept clear of any vegetation and/or grasses over thirty (30) centimetres high, other than the three (3) significant trees required by this consent to be retained. The easement shall be a continuous strip along the boundaries of Lots 14, 15, 16, 17 and 18, and shall be forty (40) metres wide.</p>
Ecological Requirements	<p>The creation of a positive covenant on all proposed lots which requires:</p> <ul style="list-style-type: none"> a) Any outdoor lighting shall be designed to minimise spillage onto retained trees and the freshwater wetland on proposed Lot 19; and b) All landscaping and plantings (other than groundcover) shall be local endemic species only.
Vegetation Clearing Restrictions	<p>The creation of a positive covenant on proposed Lot 19 which restricts/prohibits filling, clearing, slashing or other form of vegetation modification/removal below the 1.5 metres contour (within the wetland area), as shown on the approved plans.</p>
Easement for Electricity or Telecommunications	<p>The creation of any necessary easements for electricity or telecommunication purposes as required by the relevant supply authority. The instrument shall benefit the relevant supply authority and burden proposed allotments as is</p>

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
	appropriate, to the satisfaction of Council.
Easements for Services	The creation of any necessary easements for services. The instrument shall benefit and burden proposed allotments and parties as is appropriate, to the satisfaction of Council.
Easements for Disposal of Stormwater	The creation of any necessary easements for the disposal of effluent and/or stormwater. The instrument shall benefit and burden proposed allotments and parties as is appropriate, to the satisfaction of Council.

- 44** Prior to the issue of any Subdivision Certificate a certificate from a registered surveyor shall be submitted to Council certifying that all pipelines, structures, access driveways and/or services are located wholly within the relevant easements.
- 45** Prior to the issue of any Subdivision Certificate all test certificates, owner's manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's Adopted Engineering Standard, shall be submitted to Council.
- 46** Prior to the issue of any Subdivision Certificate works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, shall be submitted to Council. All computer aided design (CAD) electronic files are required to be provided on compact disc (CD) with the final drawings. The CAD files must include all lot and road boundaries, lot numbers, easements, and the 1% AEP flooding contour. The data is to be supplied in accordance with the requirements of Council's GIS Officer, and shall include an electronic portable document format (PDF) file copy of all drawings.
- 47** Prior to the issue of any Subdivision Certificate certification from a qualified ecologist shall be provided to Council certifying that at all required nest boxes were installed in accordance with this consent.
- 48** Prior to the issue of any Subdivision Certificate written evidence from the electricity supply authority stating that satisfactory arrangements have been made for the provision of underground electricity supply throughout the subdivision shall be provided to Council.
- 49** Prior to the issue of any Subdivision Certificate written evidence from the telecommunication authority stating that satisfactory arrangements have been made for the provision of underground telephone supply throughout the subdivision shall be provided to Council.

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

The specific public amenity or service in respect of which the condition is imposed.	The contributions plan under which the condition is imposed	Date of contributions plan
Local Roads and Traffic Infrastructure (Catchment 1)	Local Roads and Traffic Infrastructure Developer Contribution Plan 2009	January 2010
Public Domain	Kempsey Town Centre Public Domain Section 94 Development Contribution Plan	August 2010
Outdoor Recreation	Outdoor Recreation 2001	September 2001
Section 94 – Project Administration	Project Administration	10 August 2007

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

Prior to the issue of any Subdivision Certificate the contributions set out in the following Schedule shall be paid to Council. The following contributions are current at the date of this consent. The contributions payable shall be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council offices during office hours. Payments shall only be accepted by cash or bank cheque.

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

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable	Code
Roads and Traffic Infrastructure (Catchment 1)	EP	82.5	\$2,569.00	\$211,942.50	30 June 2013	AR
Public Domain	EP	82.5	\$412.00	\$33,990.00	30 June 2013	APD
Open Space	ET	33	\$489.00	\$16,137.00	30 June 2013	AX
Sub total				\$262,069.50		
S94 Administration	6% of total Section 94 charge applicable			\$15,724.15	30 June 2013	AY
TOTAL				\$277,793.65		

- 51 Prior to the issue of any Subdivision Certificate a Certificate of Compliance pursuant of Section 305 of the *Water Management Act 2000* shall be obtained from Council and provided to the Principal Certifying Authority.

- 52 Prior to the issue of any Subdivision Certificate evidence shall be provided to Council demonstrating that all relevant General Terms of Approval have been completed.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH AT ALL TIMES

- 53 The freshwater wetland on proposed Lot 19 shall be allowed to naturally regenerate. No filling, clearing, slashing or other form of vegetation modification/removal shall be undertaken below the 1.5 metres contour as shown on the approved plans.

- 54 On proposed Lot 19 a strip of land shall be kept clear of any vegetation and/or grasses over thirty (30) centimetres high, other than the three (3) significant trees required by this consent to be retained. This strip of land shall be continuous strip along the boundaries of Lots 14, 15, 16, 17 and 18, and shall be forty (40) metres wide.

- 55 All future dwellings on all lots of the proposed shall:

- a) Have effective insect screening to all windows, doors and other openings;
- b) Have an outdoor living area with effective insect screening;
- c) Ensure any outdoor lighting shall be designed to minimise spillage onto retained trees and the freshwater wetland on proposed Lot 19; and
- d) Have landscaping and plantings (other than groundcover) that are local endemic species only.

- 56 The nest boxes required by this consent shall be monitored every three (3) months for the first year by a suitably qualified and experienced ecologist to:

- a) Identify and manage pest (e.g. bees and exotic birds);
- b) Ensure nest boxes are structurally sound and correctly attached; and
- c) Document native fauna inhabitancy and any necessary actions to maximise native fauna usage.

Nest box monitoring reports shall be provided to Council every three (3) months for the first year, and shall include appropriate maintenance/management actions to be undertaken within one (1) month of completion of each monitoring inspection.

- 57 The following conditions of consent have been imposed by the NSW office of Water as "general terms of approval" under Section 91 of the *Environmental Planning and Assessment Act 1979* and the *Water Management Act 2000*, and shall be complied with at all times:

Number	Condition

Number	Condition
Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to T6-10-379 and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	N/A
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan</p> <p>(ii) Works Schedule</p> <p>(iii) Erosion and Sediment Control Plan</p> <p>(iv) Soil and Water Management Plan</p>
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml</p> <p>(i) Vegetation Management Plan</p> <p>(ii) Riparian Corridors</p> <p>(iii) Outlet structures</p>
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>
Rehabilitation and maintenance	
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.</p>

Number	Condition
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
8	The consent holder must be a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Disposal	
9	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
10	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
11	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
12	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
13	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
River bed and bank protection	
14	The consent holder must establish a riparian corridor along the wetland in accordance with a plan approved

Number	Condition
	by the NSW Office of Water.

ADVICE

- a) Certain additional approvals and action required by the by you prior to and during construction works. The *Environmental Planning and Assessment Act 1979* require you to:
- i) Obtain a Construction Certificate prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a *Construction Certificate*. An accredited certifier must obtain Council's approval to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
 - ii) Nominate a *Principal Certifying Authority (PCA)* which may be either Council or an accredited certifier and notify Council of that appointment. You cannot lawfully commence works without complying with this requirement.
 - iii) Give Council at least two (2) days notice of your intention to commence the erection of a building before commencing construction works by lodging the '*Notice of Commencement of Building Works and Appointment of the Principal Certifying Authority*' form enclosed. You cannot lawfully commence works without complying with this requirement.
 - iv) Obtain an *Occupation Certificate* before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign by lodging the '*Application for Occupation Certificate*' form enclosed. You cannot lawfully commence occupation or the use of a building without complying with this requirement.
- b) Prior to the issue of any Subdivision Certificate a Certificate of Compliance pursuant of Section 305 of the *Water Management Act 2000* shall be obtained from Council and submitted to the Principal Certifying Authority.

A Certificate of Compliance shall be issued by Council when all contributions are paid in full and all infrastructure necessary to service the development has been completed in full to the satisfaction of Council.

Contributions set out in the following table are to be paid to Council prior to the issue of any Certificate of Compliance. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water dated July 2006. The Plans may be viewed during office hours at Council's Offices.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. Payments will only be accepted by cash or bank cheque.

The Certificate of Compliance under Section 306 of the *Water Management Act 2000*, identifying payment of the contributions, is to be provided to the Principal Certifying Authority prior to the issue of any Subdivision Certificate.

Public service	No. of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable	Office Use Only Receipting Codes
Water	33	\$8,797.00	\$290,301.00	30 June 2012	AW
Sewer	33	\$7,421.00	\$244,893.00	30 June 2012	AS
TOTAL			\$535,194.00		

- c) All earthmoving contractors and operators should be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the *National Parks and Wildlife Act 1974*.

D That the objectors be notified of Council's decision.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

Campbell	F	Green	F	Kesby	F	McGinn	F
Morris	F	Patterson	F	Saul	F	Williams	F