



PLANNING VOTES - MINUTES OF THE WORKS COMMITTEE INSPECTION MEETING OF KEMPSEY SHIRE COUNCIL

18 May 2015 commencing at 3.36pm.

ITEM 1 ALTERATIONS AND SECOND-STOREY ADDITIONS TO DWELLING

REPORT SUMMARY

Reporting that an application has been received involving alterations and additions to add a second storey to an existing dwelling which requires a variation greater than 10% to the height development standard under Kempsey Local Environmental Plan (KLEP) 2013, for which objections have been received.

2015.82	RESOLVED:	<i>Moved: Cl. Patterson Seconded: Cl. Kesby</i>
	1	That the variation sought to the height development standard under KLEP 2013 be supported.
	2	That development consent be granted to development application T6-14-304 for alterations and additions to the dwelling at 3 Skyline Crescent, Crescent Head, subject to the conditions contained in (Appendix A - Page 1)
	3	That the objectors be advised of Council’s decision.

A Division resulted in the following votes.
 F = Voted For
 A = Voted Against

Campbell	F	Green	A	Kesby	F	Morris	A
Patterson	F	Saul	F				



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
Site plan	revised	Joel Faulkner	Provided 27 March 2015
Proposed North East Elevation	revised	Joel Faulkner	Provided 27 March 2015
Proposed North West Side Elevation	revised	Joel Faulkner	Provided 27 March 2015
Proposed South East Elevation	revised	Joel Faulkner	Provided 27 March 2015
Proposed South West Back Elevation	revised	Joel Faulkner	Provided 27 March 2015
Proposed Upstairs & Shed Floor Plan	revised	Joel Faulkner	Provided 26 November 2014
Proposed Downstairs Floor Plan	-	Joel Faulkner	Provided 8 October 2014
BASIX Certificate A200547	-	Joel Faulkner	Thursday 2 October 2014

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 The design of the development shall be modified as set out in the following table. Amended plans and specifications incorporating the following design amendments must be incorporated in the plans and specifications submitted with the application for a Construction Certificate:

Design Amendment	Reason for Amendment
(a) The window to the lounge room on the north-west elevation of the building shall be visually obscured (for example, frosted, distorted, louvered, etc.) or raised to a minimum sill height of 1.5m, so as to limit overlooking to the dwelling or private open space areas at 2 Kinchela Street and 3 High Street.	(a) to protect the amenity of the adjoining properties.

Design Amendment	Reason for Amendment
(b) The north-western elevation of the proposed upper storey balcony shall be visually screened (for example, with lattice, dense potted plants, etc.) so as to limit overlooking to the dwelling or private open space areas at 2 Kinchela Street and 3 High Street.	(b) to protect the amenity of the adjoining properties.

All the above design elements shall be maintained as described in this condition in perpetuity of the development.

- 3 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.

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.
- 4 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 (PCA) for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 5 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.
- 6 This consent permits the entire development to be used as a single dwelling only, and does not permit the use as two separate dwellings/domociles.

**THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH PRIOR TO THE
ISSUE OF ANY CONSTRUCTION CERTIFICATE**

- 7 Prior to the issue of any Construction Certificate a survey plan of existing ground levels and the existing dwelling floor level shall be provided to Council and the Certifier. When considered in conjunction with the construction plans, the Certifier shall be satisfied that no part of the building will be greater than 9.2m above existing ground levels before the issue of any Construction Certificate.
- 8 Prior to the issue of any Construction Certificate an approval under Section 68 of the *Local Government Act 1993* for alterations to sewer, water supply, and stormwater drainage shall be obtained from Council. This approval shall be included by the Certifier as part of any Construction Certificate for the dwelling.
- 9 Prior to the issue of any Construction Certificate for the dwelling, details which demonstrate compliance with AS3959 and *Planning for Bushfire Protection 2006* shall be provided to the Certifier for approval. The construction level shall be no less than BAL 12.5. These details shall be approved by the Certifier as part of any Construction Certificate for the dwelling.
- 10 Prior to the issue of any Construction Certificate for the dwelling, plans and specifications shall be provided to the Certifier demonstrating compliance with BASIX Certificate A200547, dated Thursday, 02 October 2014. All such plans and specifications shall be approved by the Certifier as part of any Construction Certificate for the dwelling.
- 11 Prior to the issue of any Construction Certificate the contributions set out in the following Schedule shall be paid to Council. 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 4)	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
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.

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	Office Use Only
Local Roads (Catchment 4)	EP	0.6	\$1,625.00	\$975.00	30 June 2015	AR4
Public Domain	EP	0.6	\$436.00	\$261.60	30 June 2015	APD
Sub total				\$1,236.60		
S94 Administration	6% of total Section 94 charge applicable			\$74.20	30 June 2015	AY
TOTAL				\$1,310.80		

- 12 Prior to the issue of any Construction Certificate a Long Service Levy shall be 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.

**THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH
PRIOR TO ANY WORKS COMMENCING**

- 13 Prior to the commencement of any works a Site Waste Minimisation and Management Plan (SWMMP) shall be provided to (and approved by) the Certifier. This SWMMP shall be prepared in accordance with Council's Development Control Plan 2013.
- 14 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.
- 15 Prior to the commencement of any works adequate erosion and sedimentation controls shall be in place in accordance with Council's standard.

- 16 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.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH DURING ANY BUILDING AND/OR CONSTRUCTION WORKS
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- 17 All demolition works shall be undertaken in accordance with the provision of *Australian Standard AS 2601 – The Demolition of Structures*.

All demolition waste shall be removed from the site and disposed of at an authorised waste transfer facility. Council requires the waste transfer facility receipts for disposal be retained and submitted to Council at the finalisation of demolition works.

Any asbestos wastes or suspected asbestos wastes associated with demolition works shall be disposed of in accordance with the requirements of "*Working with Asbestos Guide 2008*", the *Occupational Health and Safety Act 2000*, the *Occupational Health and Safety Regulations 2008*, and any other Workcover Authority guidelines or requirements. All asbestos waste removal work shall be undertaken by a WorkCover licensed operator.

Until transferred to an authorised waste transfer facility all demolition waste shall be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of waste materials and all other items associated with the works at all times.

- 18 The approved Site Waste Minimisation and Management Plan (SWMMP) shall be complied with at all times during works.
- 19 Works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction and demolition noise, when audible on adjoining residential premises, can only occur:
- a) Monday to Friday, from 7:00am to 6:00pm.
 - b) Saturday, from 8:00am to 1:00pm.

No work shall take place on Sundays or Public Holidays.

- 20 Construction and demolition 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).
- 21 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.
- 22 All erosion and sediment controls shall be maintained at all times in accordance with Council's standard until the site has been stabilised by permanent vegetation or hard surface.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH PRIOR TO THE OCCUPATION/USE OF ANY PART OF THE DEVELOPMENT

- 23 Prior to the occupation/use of any part of the development and/or the issue of any Occupation Certificate, the Certifier shall ensure that all requirements of BASIX Certificate A200547, dated Thursday, 02 October 2014, and the associated plans and specifications approved as part of any Construction Certificate, have been completed in full.
- 24 Prior to the occupation/use of any part of the development and/or the issue of any Occupation Certificate, the Certifier shall ensure that all bushfire requirements have been completed in full in accordance with this consent and any associated Construction Certificate/s.
- 25 Prior to the occupation/use of any part of the development and/or the issue of any Occupation Certificate, the Certifier shall ensure that the roof is coloured "windspray" (or a like medium grey) and all building materials used on the facades and roof of the buildings shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare at nearby properties and/or that causes any discomfort or threatens the safety of pedestrians or drivers.
- 26 The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to the occupation/use of any part of the development.

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:
- a) 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.

- b) 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.
 - c) 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.
 - d) 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** 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*.