

REPORT OF THE REVIEW COMMITTEE OF COUNCIL
Held on 3 August 2004

Meeting RC/2004/14 commenced at 6.53 pm.

PRESENT

The Mayor, Councillor M H Brooks OAM (Chairman), and Councillors C L Doyle, T H Drake, P J Hale, C D Holstein, T Latella, L J Maher and V Scott.

CONSIDERATION OF ITEMS STARRED FOR DISCUSSION BY COUNCILLORS AND/OR PUBLIC PARTICIPATION

MATTERS SUBMITTED BY THE DIRECTOR – DEVELOPMENT AND HEALTH

DH.061 DEVELOPMENT APPLICATION NOS. 21646/2003, 21647/2003, 21648/2003 AND 21649/2003
APPLICANT: DEPARTMENT OF HOUSING HUNTER REGION – PROPOSED DUAL OCCUPANCY ATTACHED ON LOT 97 DP 255220 NO 16 GRAFTON AVENUE, LOT 100 DP 255220 NO 10 GRAFTON AVENUE, LOT 101 DP 255220 NO 8 GRAFTON AVENUE & LOT 109 DP 255220 NO 33 NAMBUCCA DRIVE, WOY WOY (IR 1224697)
BUSINESS UNIT: PLANNING & DEVELOPMENT

MOVED (Latella/Holstein) that *this item be deferred for discussion with the Department of Housing regarding their strategy for this area and the issue of affordable housing.*

On being put to the meeting the MOTION WAS LOST.

MOVED AS A FURTHER MOTION (Hale/Maher) that the recommendation of the Director - Development and Health on 6 July 2004 be adopted subject to the addition of Part D as follows:

D Council meet with the Department of Housing to ascertain their long term strategic direction for their land on the Peninsula.

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

A Council as consent authority grant consent to Development Application Nos 21646/03, 21647/03, 21648/03, & 21649/03 for proposed Dual Occupancy Attached on Lot 97 DP 255220 No 16 Grafton Avenue, Lot 100 DP 255220 No 10 Grafton Avenue, Lot 101 DP 255220 No 8 Grafton Avenue, & Lot 109 DP 255220 No 33 Nambucca Drive, Woy Woy, subject to the following conditions.

- 1 Any clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials is to be carried out between the following **hours of work**.

Mondays to Fridays – 7.00am to 6.00pm
Saturdays – 8.00am to 4.00pm
- 2 The **street number** of the property is to be prominently displayed in an appropriate location.
- 3 Provision shall be made for the erection of one **common television aerial**.
- 4 Development being generally in accordance with plan(s) numbered 76102-4 DA01A (DA 21646), 76102-2 DA01A (DA 21647), 76102-1 DA01A (DA 21648) & 76102-5 DA01A (DA 21649), dated April, 2002, 1 sheet, submitted/drawn by Stanton Dahl Architects, as amended in red, or where modified by any conditions of this consent.
- 5 Each dwelling is to be provided with a **private courtyard** and service area having the following area and dimensions:

Private Courtyard – Minimum area and width of 50m² and 6m respectively.
Service Area – Minimum area and width of 25m² and 3m respectively.

Such courtyards and services are to be suitably screened for privacy purposes by a 1.8m high fence.
- 6 **Landscaping** is to be carried out and continually maintained upon the unbuilt portion of the site.
- 7 The **driveway**, vehicle manoeuvring area and car parking spaces as shown on the approved plan are to be properly constructed, graded, drained and sealed with an impervious all-weather material, with all car parking spaces being clearly marked, and maintained in accordance with Council's Car Parking Policy.
- 8 A **concrete kerb** or such alternative of similar standard as may be approved by Council is to be provided to driveways and around areas of landscaping to prevent encroachment of vehicles.

9 Service areas for **clothes drying** in conjunction with the proposed development are not to be provided at the frontage of the site. Such areas are to be sited so as not to be visible from the frontage of the site and/or public view.
- 10 The front boundary fence is to be a maximum height of one (1) metre.
- 11 The Department is to pay the cost of repairing damage to Council property caused as a result of the development.

- 12 Satisfactory arrangements are to be made for the provision of water and sewer services to the land. A copy of the **Certificate of Compliance** under Section 307 of the Water Management Act 2000, is to be obtained prior to the commencement of construction. Contributions may be applicable to the Section 307 Certificate.

Advice

Developers are urged to make early application for a Section 307 certificate. A Section 305 application form is attached in order to apply for a Section 307 Certificate of Compliance.

- 13 Construction of a **on-site stormwater detention** to limit post development flows from the proposed development to less than or equal to predevelopment flows for all storm events up to and including the 1% AEP storm event. A stormwater detention report prepared by a practising Civil Engineer shall be submitted to Council prior to the commencement of construction. A runoff routing method is to be used for sites greater than 3000 sq m.

- 14 **Driveways** are to be designed according to the requirements of the current Australian Standard AS2890. Plans are to show the following information:

- i a longitudinal section through the centre line of the driveway from the kerb line to the proposed garages, showing driveway grades and suitable transition at changes of grades;
- ii drainage pits and pipes;
- iii a pavement design prepared by a suitably qualified Engineer.

A work as executed plan and written verification stating that all driveway pavements as built will perform to the criteria set down by the designing Engineer are to be submitted to Council prior to occupation of the development

- 15 All work to be carried out on a **public road** shall be approved by Council under the Roads Act. Engineering plans for the work are to be prepared and designed by a suitably qualified person in accordance with Council's Civil Construction Specifications, Specification for the Drafting and Design of Stormwater Drainage Works and Roadworks and Code of Practice for Erosion and Sedimentation Control. The plans are to be approved by Council prior to the commencement of construction.

Advice

A fee for the approval of engineering plans shall apply. The amount of this fee can be obtained from Council's Information Services. All work is to be carried out in accordance with the Occupational Health and Safety Act.

- 16 **Construction of the following works** in accordance with Council's Civil Construction Specification, Specification for the Drafting and Design of Stormwater Drainage Works and Roadworks and Code of Practice for Erosion and Sedimentation Control. The works shall not have an adverse impact upon nearby properties and shall comply with WorkCover Authority requirements. Certification for each hold point (notices) identified in Section 1.05 of the Specification together with two (2) copies of a work-as-executed plan shall be submitted to Council prior to occupation of the development.
- a 1.2m wide reinforced (F72 steel fabric) **concrete footpath** in an approved location across the full frontage of the site.
 - b **Vehicle crossing** that has a width of 3.0m and constructed with 150mm thick concrete reinforced with F72 steel fabric.
 - c All **redundant dish crossings** and/or damaged kerb and gutter are to be removed and replaced with new kerb and gutter.
 - d **Piping** of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Grafton Avenue.

- 17 **Erosion and siltation control** measures shall be undertaken in respect to all civil works are to be constructed in accordance with Council's Code of Practice for Erosion and Sedimentation Control and the Protection of the Environment Operations Act, 1997. All disturbed areas to be fully established with vegetation prior to occupation.

WARNING

The applicant shall be held responsible for any breaches of the *Protection of the Environment Operations Act, 1997*. Failure to implement or maintain appropriate erosion/sediment control measures is a breach of *Section 120 of the Protection of the Environment Operations Act, 1997*. Such a breach is liable for a \$750 on-the-spot fine for an individual or \$1,500 for a Company. Applicant(s) and Builder(s) are advised that spot checks of Erosion and Sedimentation Control measures may occur and fines for breaches imposed.

- 18 All **stormwater work** to be carried out shall be approved by Council under the Local Government Act. Engineering plans for the work are to be prepared and designed by a suitably qualified person in accordance with Council's Civil Construction Specifications, Specification for the Drafting and Design of Stormwater Drainage Works and Roadworks and Code of Practice for Erosion and Sedimentation Control.

Advice

A fee for the approval of engineering plans shall apply. The amount of this fee can be obtained from Council's Information Services. All work is to be carried out in accordance with the Occupational Health and Safety Act.

- 19 Construction of a **nutrient control** facility and the submission of a nutrient control report prepared by a suitably experienced and qualified engineer or professional. The nutrient control measures are to be determined in accordance with Council's Policy E0.09 Best Practice Guidelines Nutrient Policy. The report shall include an operation and maintenance plan.
- 20 Arrangements being made with Energy Australia, Australian Gas Light Company and Telstra for the **supply of services** concurrent with the engineering work. Arrangements are to include relocation of existing mains and services and dedication of easements for mains and services.
- 21 Erosion and Sedimentation Control in accordance with Council's Code of Practice for Erosion and Sedimentation Control must be in place prior to the commencement of work. These controls must remain in place until the occupation of the building/site is stabilised.
- 22 The measures approved in the Erosion Sedimentation Control Plan submitted in accordance with Council's Code of Practice for Erosion and Sedimentation Control being implemented prior to the commencement of building work.
- 23 Any material stockpiles (topsoil, sand etc) shall be protected from leaving the site with approved sedimentation barrier(s).
- 24 Excavated material to be removed from the property in an approved manner. A separate application is required to fill elsewhere on the property.
- 25 Building materials shall not be stored on Council's footpath or grass verges and a suitable sign to this effect should be erected adjacent to the street alignment. No construction work is to take place on the footpath.
- 26 Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Environmental Protection Authority or temporary connections to Council's sewer where available, work to be carried out by a licensed plumber and drainer.
- 27 The installation of garbage disposal units is not permitted due to the release of nutrients into Council's sewerage system.

- 28 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a stating that unauthorised entry to the work site is prohibited, and
 - b showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 29 Prior to commencement of any demolition work, the property's sewer connection must be disconnected at the Inspection Shaft and capped. This work must be carried out by a licensed plumber after payment of the appropriate fee for alteration to sewer connection. It is necessary for the licensed plumber to contact Council's Plumbing Inspector on 4325 8222 between the hours of 8.38 am and 10.30 am Monday to Friday.
- 30 Buildings being demolished in a safe and systematic manner in accordance with the requirements of Australian Standard AS 2601-2001 "The Demolition of Structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc., being handled, conveyed and disposed of in accordance with guidelines and requirements of the NSW Workcover Authority. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
- 31 The building being assessed and treated as necessary by a licensed pest controller to eradicate vermin prior to demolition commencing.
- Prior to demolition a licensed pest controller is to assess the building and, if necessary, carry out treatment to eradicate vermin.
- 32 The site being provided with protective fencing during the course of construction to restrict public access and suitable signage advising against unauthorised site entry, containing the builders or contact persons name, contact phone number, after hours emergency number, and consent/certificate number.
- 33 Roof water being drained by sealed pipeline to Council's street drainage system.
- 34 Prior to placement of any roofing material all guttering and downpipes must be installed and connected to Council's drainage system. If no Council drainage system is available, the guttering and downpipes must be discharged away from the building site onto a stable vegetated area.
- 35 Paved and concreted areas being graded and drained so as not to cause a nuisance to adjoining properties.

- 36 The following contributions are payable under Section 94 of the Environmental Planning and Assessment Act 1979 in accordance with the relevant Council contribution plan No 31 – **Peninsula** and are subject to quarterly review as detailed in the contribution plan.

A	Roadworks (Key No 789)	\$337.00
B	Drainage Land (Key No 787)	\$732.00
	Capital (Key No 788)	\$1634.00
C	Community Facilities Capital (Key No 792)	\$863.00
	Land (Key No 793)	\$96.00
D	Open Space Embellishment (Key No 791)	\$492.00
	Land (Key No 791)	\$4620.00
	TOTAL AMOUNT	\$8774.00

The total contribution amount of \$8774 is to be paid prior to occupation.

The basis of the calculation and the total contribution amount is subject to quarterly review. An adjustment amount will become payable if the contribution is not paid prior to the next review.

A copy of the Contribution plan may be inspected at the office of Gosford City Council, 49 Mann Street, Gosford NSW.”

- B In accordance with Section 95(1)(a) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.
- C The objectors be notified of Council's decision.
- D *Council meet with the Department of Housing to ascertain their long term strategic direction for their land on the Peninsula.***

DH.068 BUILDING SUSTAINABILITY INDEX (IR 1206202)
BUSINESS UNIT: PLANNING & DEVELOPMENT

MOVED (Latella/Holstein) that the recommendation of the Director – Development and Health be adopted subject to the addition of Part B as follows:

- B *A further report be brought back to Council on the impact of BASIX assessment on Sydney Councils with respect to resources and its implications for Gosford City Council.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A The information be noted.
- B** *A further report be brought back to Council on the impact of BASIX assessment on Sydney Councils with respect to resources and its implications for Gosford City Council.*

DH.069 BUSH FIRE PRONE LAND (IR 1214212)
BUSINESS UNIT: PLANNING & DEVELOPMENT

MOVED (Hale/Holstein) that the recommendation of the Director – Development and Health be adopted subject to the addition of Part B as follows:

- B** *A further report be brought back to Council on the strategy and policy on the new requirements in the identification of bush fire prone land and to educate the public.*

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A The information be noted.
- B** *A further report be brought back to Council on the strategy and policy on the new requirements in the identification of bush fire prone land and to educate the public.*

DH.070 DEVELOPMENT APPLICATION NO. 21611/2003
APPLICANT: ACONSULT – PROPOSED SEPP NO 5 DEVELOPMENT ON LOT 1 SECTION 28 DP 758569, NO 29 EMPIRE BAY DRIVE KINCUMBER (IR 1173578)
BUSINESS UNIT: PLANNING & DEVELOPMENT

MOVED (Maher/Hale) that the recommendation of the Director – Development and Health be adopted.

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A Council as consent authority grant consent to Development Application No. 21611/2003 for proposed Housing for the Aged and Disabled Persons comprising of four (4) dwellings on Lot 1 Sec 28 DP 758569 No 29 Empire Bay Drive, Kincumber, subject to the following conditions:
- 1 No works are to be commenced until a **Construction Certificate** has been issued.

- 2 Creation of a Section 88E instrument by the applicant or his successor prior to the premises restricting occupancy of the proposed dwelling to the following:
 - a older people, or people who have a disability in accordance with the provision of SEPP-5
 - b people who live with older people with a disability as defined in SEPP-5
 - c staff employed to assist in the administration of the provision of services to housing provided under the provision of SEPP-5.
- 3 All the proposed dwellings are to have wheelchair access by a continuous path of travel (in accordance with AS 1428) to an adjoining public road or a driveway that is accessible to all residents, common areas and facilities.
- 4 At least 10% of the proposed dwellings are to have wheelchair access by a continuous path of travel to an adjoining public road, and must have, or be capable of being modified so that they have wheelchair access by a continuous path of travel to all essential areas and facilities inside the dwelling, including a toilet, bathroom, bedroom and living area.
- 5 The proposed development is to comply with the access and usability development standards contained within Clause 13A of SEPP-5.
- 6 Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials is to be carried out between the following **hours of work. (NB No work is to be carried out on Sundays and Public Holidays)**

Mondays to Fridays – 7.00am to 6.00pm
Saturdays – 8.00am to 4.00pm
- 7 Any building and or works constructed or carried out under the provisions of a development consent/construction certificate shall not be occupied until an **Occupation Certificate** has been issued, or in the case of works, such works are completed in accordance with the development consent and or construction certificate.
- 8 The **street number** of the property is to be prominently displayed in accordance with Clause 13A(3) of State Environmental Planning Policy No 5.
- 9 **Mail receptacles** are to be provided and appropriately numbered for each dwelling unit in the development in consultation with Australia Post, including the managing body.
- 10 Provision shall be made for the erection of one **common television aerial**.

- 11 Development being generally in accordance with plan(s) unnumbered, dated May 2004 Issue B, 6 sheets, submitted/drawn by Aconsult, as amended in red, or where modified by any conditions of this consent.
- 12 Compliance with any requirements of the **WorkCover Authority**.
- 13 **Completion of the building** and the development of the site in accordance with the conditions of Council's consent prior to the issue of an occupation certificate or, in the case of works, such works have been completed in accordance with the development consent and or construction certificate.
- 14 The creation of a restriction as to user on the land to prohibit accommodation except by:
 - a older people or people who have a disability; and
 - b people who live with older people or people with a disability, in accordance with the provisions of State Environmental Planning Policy No 5 – Housing for Older People or People with a Disability.
- 15 Compliance with the provisions of State Environmental Planning Policy No. 5 – Housing for Older People or People with a Disability at all times.
- 16 A Site Management Plan is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan is to include the following:
 - Details of on site parking arrangements for employees, contractors, etc.
 - Route identification of the supply and delivery of materials/goods to and from the site.
 - Identification of construction zones.
 - Crane permits (crane location plan).
 - All materials are to be contained on site.

An amended landscaping plan which incorporates the fence along Cullens Road and Empire Bay Drive frontage of the site is to be submitted to Council for approval prior to the issue of a Construction Certificate.

- 17 **Landscaping** is to be carried out using advanced native species and continually maintained upon the unbuilt portion of the site in accordance with landscaping plan prepared by Seascope Landscapes Pty Ltd dated April 2004.

At the completion of landscaping a Compliance Certificate must be submitted prior to the issue of an Occupation Certificate. A suitably qualified landscape professional shall certify that all landscaping has been constructed in accordance with the Construction Certificate.

- 18 **Erosion and Siltation control** measures shall be undertaken in respect to any part of the land where the natural surface is disturbed or earthworks are carried out in accordance with Council's current Code of Practice for Erosion and Sedimentation Control.
- The developer and builder shall be held responsible for any breaches of the Protection of the Environment Operations Act 1997. Failure to implement or maintain appropriate erosion/sediment control measures is a breach of Section 120 the Protection of the Environment Operations Act 1997. Such a breach is liable for a \$750.00 on the spot fine for an individual or \$1,500.00 for a Company. Applicant(s) and Builder(s) are advised that spot checks of Erosion and Sedimentation Control measures may occur and fines for breaches imposed.
- 19 The **driveway**, vehicle manoeuvring area and car parking spaces as shown on the approved plan are to be properly constructed, graded, drained and sealed with an impervious all-weather material, with all car parking spaces being clearly marked, and maintained in accordance with Council's Policy, 'DCP111 – Car Parking'.
- 20 A **concrete kerb** or such alternative of similar standard as may be approved by Council is to be provided to driveways and around areas of landscaping to prevent encroachment of vehicles.
- 21 **Car parking spaces**, whether designated as common property or as separate units, are to be retained at all times for use in association with the approved use of the site.
- 22 **No vehicular access** to the property is to be permitted from Empire Bay Drive.
- 23 Any relocation or alteration of any **utilities** or any existing services made necessary as a result of this development is to be carried out at no cost to Council, with satisfactory arrangements being made with the authority concerned. These services include stormwater, telephones, electrical cables and power poles, gas, water mains (hydrants, stop valves, stop cocks), sewer mains and manholes, parking and street signs and traffic signals.
- 24 Plant and services for electricity and telephone are to be situated **underground** within road reserves.
- 25 A garbage and recycling **storage area** is to be provided, designed and constructed so as to conceal its contents from view from public places and adjacent properties and is to be blended into the landscaping layout. The storage area is to be located so as to be readily accessible from within the site, and the garbage collector from the adjoining road.

- 26 The external surfaces of all buildings are to be of materials and colour which are **low reflective** and which blend with the landscape of the site on which they are to be used and the surrounding natural environment.
- 27 Provision is to be made for the **illumination of the common areas** at the frontage of the site, throughout the hours of darkness.
- 28 **Rotary clothes lines** shall not be utilised within the service area for clothes drying in conjunction with the dwelling closet to the street. "Fold-up" lines or the like shall be used in this instance.
- 29 Compliance with the requirements of Traffic Noise Impact Assessment Report No 291392-TRP-001371-00 prepared by Vipac Engineers and Scientists Ltd, dated April 2004. Documentary information is to be submitted to Council from Vipac Engineers and Scientists that the noise attenuation measures have been carried out in accordance with their report, prior to the issue of an Occupation Certificate.
- 30 All habitable spaces exposed to Empire Bay Drive and Cullens Road are to be provided with air conditioning.
- 31 The fence along the Empire Bay Drive and Cullens Road boundary is to be recessed a minimum of 700mm as shown on the drawing Front Fence Detail. The recess area is to be landscaped with species that will soften the appearance of the fence when viewed from public areas.
- 32 Prior to the issue of a Construction Certificate a **security deposit of \$6,000.00** shall be paid into Council's trust fund to cover the cost of repairing damage caused as a result of the development. Such deposit will be refunded upon the completion of the project if no damage is caused.
- 33 Satisfactory arrangements are to be made for the provision of water and sewer services to the land. A copy of the **Certificate of Compliance** under Section 307 of the Water Management Act 2000, is to be obtained prior to the issue of a Construction Certificate. Contributions may be applicable to the Section 307 Certificate.

Advice

Developers are urged to make early application for a Section 307 certificate. For a copy of the application form 'Application For Certificate Under Section 305' contact Customer Service on (02) 4325 8200 or visit Council's web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.

- 34 Building/Development constructed **near or over the sewer main** and/or adjacent to Council's water main shall comply with Council's guidelines for building over sewers. Details prepared by a practising structural engineer must be submitted to and approved by Council prior to the issue of a Construction Certificate in accordance with the Water Management Act 2000.

- 35 Construction of a **on-site stormwater detention** to limit post development flows from the proposed development to less than or equal to predevelopment flows for all storm events up to and including the 1% AEP storm event. A stormwater detention report prepared by a practising Civil Engineer shall be approved by Council prior to the issue of a Construction Certificate. A runoff routing method is to be used.

At the completion of construction a Compliance Certificate shall be submitted prior to the issue of an Occupation Certificate. The Engineer is to certify that the detention system as built will perform to the criteria set down by the designing Engineer and that all stormwater drainage and related work has been constructed in accordance with the Construction Certificate.

A positive covenant shall be created on all lots containing an onsite stormwater detention system to ensure:

- a The system will remain in place and fully operational.
- b The system is maintained so that it operates in a safe and efficient manner.
- c Council is permitted to inspect and repair the system.
- d Council is indemnified against all claims of compensation caused by the system.

A restriction as to user shall be created on all lots containing a onsite stormwater detention system to prevent:

- a Any building, structure or obstruction being constructed over the system.
- b Any alteration to the approved system.

The authority empowered to release, vary and modify the restriction or positive covenant is Gosford City Council.

NOTE: Please refer to Council for the covenant/restriction wording.

- 36 **Driveways** are to be designed according to the requirements of the current Australian Standard AS2890. Plans are to show the following information:
- i a longitudinal section through the centre line of the driveway from the kerb line to the proposed garages, showing driveway grades and suitable transition at changes of grades;
 - ii drainage pits and pipes;
 - iii a pavement design prepared by a suitably qualified Engineer.

At the completion of construction a Compliance Certificate shall be submitted prior to the issue of an Occupation Certificate. A work as executed plan and written verification stating that all driveway pavements as built will perform to the criteria set down by the designing Engineer and the work has been constructed in accordance with the Construction Certificate.

- 37 All work to be carried out on a **public road** shall be approved by Council under the Roads Act. Engineering plans for the work are to be prepared and designed by a suitably qualified person in accordance with Council's Civil Construction Specifications, Specification for the Drafting and Design of Stormwater Drainage Works and Roadworks and Code of Practice for Erosion and Sedimentation Control. The plans are to be approved by Council prior to the issuing of a Construction Certificate required by this consent.

Advice

A fee for the approval of engineering plans shall apply. The amount of this fee can be obtained from Council's Information Services, upon lodgement of an Engineering Certificate application. The following inspection fees are to be paid prior to the release of approved Engineering Plans:

\$100.00	Concrete Access Crossover
\$ 15.00	Connection to Council stormwater
\$210.00	Reinstatement of kerb and gutter/footpath tie-in works

All work is to be carried out in accordance with the Occupational Health and Safety Act.

- 38 **Construction of the following works** in accordance with Council's Civil Construction Specification, Specification for the Drafting and Design of Stormwater Drainage Works and Roadworks and Code of Practice for Erosion and Sedimentation Control. The works shall not have an adverse impact upon nearby properties and shall comply with WorkCover Authority requirements. Compliance Certificates for each **hold point** (notices) identified in Section 1.05 of the Specification together with two (2) copies of a work-as-executed plan shall be submitted with the Occupation/Subdivision Certificate.
- a **Footway formation** generally graded at +4% from the top of kerb to the property boundary, around the full frontage of the site.
 - b **Vehicle crossing** that has a width of 4.5m and constructed with 150mm thick concrete reinforced with F72 steel fabric.
 - c All **redundant dish crossings** and/or damaged kerb and gutter/footpath are to be removed and replaced with new .

- d **Piping** of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in The Scenic Road/Empire Bay Drive.
- e Path connection to Council footpath.

- 39 **Erosion and siltation control** measures shall be undertaken in respect to all civil works and are to be constructed in accordance with Council's Code of Practice for Erosion and Sedimentation Control and the Protection of the Environment Operations Act, 1997. An erosion and sedimentation control plan (ESC) shall be approved by Council prior to the issue of a Construction Certificate. All disturbed areas to be fully established with vegetation prior to the issue of the Occupation/Subdivision Certificate.

WARNING

The applicant shall be held responsible for any breaches of the *Protection of the Environment Operations Act, 1997*. Failure to implement or maintain appropriate erosion/sediment control measures is a breach of *Section 120 of the Protection of the Environment Operations Act, 1997*. Such a breach is liable for a \$750 on-the-spot fine for an individual or \$1,500 for a Company. Applicant(s) and Builder(s) are advised that spot checks of Erosion and Sedimentation Control measures may occur and fines for breaches imposed.

- 40 All **public stormwater/watercourse work** to be carried out shall be approved by Council under the Local Government Act. Engineering plans for the work are to be prepared and designed by a suitably qualified person in accordance with Council's Civil Construction Specifications, Specification for the Drafting and Design of Stormwater Drainage Works and Roadworks and Code of Practice for Erosion and Sedimentation Control. The plans are to be approved by Council prior to the issuing of a Construction Certificate required by this consent.

Advice

A fee for the approval of engineering plans shall apply. The amount of this fee can be obtained from Council's Information Services. All work is to be carried out in accordance with the Occupational Health and Safety Act.

- 41 Construction of a **nutrient control** facility and the submission of a nutrient control report prepared by a suitably experienced and qualified engineer or professional. The nutrient control measures are to be determined in accordance with Council's Policy E0.09 Best Practice Guidelines Nutrient Policy. The report shall include an operation and maintenance plan.

At the completion of construction a Compliance Certificate must be submitted prior to the issue of a Occupation/Subdivision Certificate, the engineer or professional is to certify that the nutrient control measures as built have been constructed in accordance with the Construction Certificate, accepted practice, and recommendations outlined in the nutrient control report.

A positive covenant shall be created on all lots containing a nutrient control facility to ensure:

- a The facility will remain in place and fully operational.
- b The facility is maintained so that it operates in a safe and efficient manner.
- c Council is permitted to inspect and repair the facility.
- d Council is indemnified against all claims of compensation caused by the facility.

A restriction as to user shall be created on all lots containing a nutrient control facility to prevent:

- a Any building, structure or obstruction being constructed over the facility.
- b Any alteration to the approved facility.

The authority empowered to release, vary and modify the restriction or positive covenant is Gosford City Council.

NOTE: Please refer to Council for the covenant/restriction wording.

- 42 Arrangements being made with Energy Australia, Australian Gas Light Company and Telstra for the **supply of services** concurrent with the engineering work. Arrangements are to include relocation of existing mains and services and dedication of easements for mains and services. A letter of clearance from, each relevant authority is to accompany the Occupation/Subdivision Certificate, except a letter of clearance will not be required from Energy Australia for **Dual Occupancy and two (2) lot Subdivisions**.
- 43 Should you nominate Gosford City Council as the Principal Certifying Authority, the following inspections and fees are required in respect to this approval:
- a Pier holes before concrete is poured.
 - b The steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, or the like).
 - c The framework including roof members when completed and prior to the fixing of any internal sheets.
NB: This not only includes structural components, but refers to a schedule of works to be assessed prior to further construction proceedings.
Any certification for concrete construction or termite controls must be submitted to Council prior to this inspection.

- d Internal drainage lines before the floor is laid, or poured. (Inspection is to be made by Council's Plumbing and Drainage Inspector).
- e External sewer drainage lines before backfilling of the trenches. (Inspection is to be made by Councils Plumbing and Drainage Inspector).
- f Final.
- g Occupation Certificate

A fee of \$616.00 for the above required building inspection(s) must be paid prior to the first inspection. The fee may be paid directly at the Customer Service Unit on the Ground Floor of the Administration Building or posted to Council.

NB Bookings should be made on 4325 8398/8252. Work which is found to be defective **or** not ready at time of inspection will attract a **re-inspection fee of \$77.00**. Please cancel bookings which will not be ready for inspection.

Note: Development Application reference number must be quoted when booking Inspections. Inspection bookings will ***not*** be accepted without a DA number.

- 44 **Sanitary facilities** for people with disabilities shall be constructed in accordance with the provisions of the Building Code of Australia. Details and location shall be submitted with Construction Certificate.
- 45 **Facilities for access** to and within the building for people with disabilities shall be provided in accordance with Clause D3.2 of the Building Code of Australia. Details must be submitted prior to the issue of the Construction Certificate.
- 46 It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies with the requirements of the **Disability Discrimination Act**.

NOTE: The Disability Discrimination Act (DDA) is a Federal anti-discrimination law. The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises.

The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current Building Code of Australia, it does not indicate nor confirm that the application complies with the requirements of the DDA.

- 47 Erosion and Sedimentation Control in accordance with Council's Code of Practice for Erosion and Sedimentation Control must be in place prior to the commencement of work. These controls must remain in place until the occupation of the building/site is stabilised.
- 48 The erection of a building in accordance with a development consent must not be commenced until detailed plan and specification of the building have been endorsed with a construction certificate.
- 49 All building work must be carried out in accordance with the provisions of the Building Code of Australia. In the event Council is nominated as the Principal Certifying Authority, additional information may be required to specifically address matters pertaining to the issue of a Construction Certificate.
- 50 The street or lot number being prominently displayed at the frontage of the property.
- 51 Building materials shall not be stored on Council's footpath or grass verges and a suitable sign to this effect should be erected adjacent to the street alignment. No construction work is to take place on the footpath.
- 52 Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Environmental Protection Authority or temporary connections to Council's sewer where available, work to be carried out by a licensed plumber and drainer.
- 53 All excavations in excess of 1 metre being subject to a report from a Geotechnical Engineer or being provided with a retaining wall designed by a Structural Engineer.
- 54 Waterproofing of wet areas must comply with provisions of AS 3740 or Part 3.8.1.2 of the Building Code of Australia Vol 2.
- 55 Glass installations complying with the requirements of Australian Standard 2047 and to be of adequate thickness for the terrain category and wind loading applicable to the allotment allocation.
- 56 The installation of garbage disposal units is not permitted due to the release of nutrients into Council's sewerage system.
- 57 The door to a fully enclosed sanitary compartment must:
 - a open outwards; OR
 - b Slide; OR
 - c be readily removable from the outside of the compartment, unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.

- 58 A mechanical ventilation system complying with the requirements of Australian Standard 1668.2 – 1991 being provided to the WCs, laundries.
- 59 Separate application being made for connection to Councils sewerage system.
- 60 External walls being provided with minimum R1.5 value insulation.
- 61 Ceilings being provided with minimum R3.0 value insulation.
- 62 A hot water system with a Greenhouse Score of 3.5 stars or greater being installed to serve the dwelling.
- 63 Prior to commencement of any demolition work, the property's sewer connection must be disconnected at the Inspection Shaft and capped. This work must be carried out by a licensed plumber after payment of the appropriate fee for alteration to sewer connection. It is necessary for the licensed plumber to contact Council's Plumbing Inspector on 4325 8222 between the hours of 8.38 am and 10.30 am Monday to Friday.
- 64 Buildings being demolished in a safe and systematic manner in accordance with the requirements of Australian Standard AS 2601-1991 "The Demolition of Structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc., being handled, conveyed and disposed of in accordance with guidelines and requirements of the NSW Workcover Authority. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
- 65 The building being assessed and treated as necessary by a licensed pest controller to eradicate vermin prior to demolition commencing.
- Prior to demolition a licensed pest controller is to assess the building and, if necessary, carry out treatment to eradicate vermin.
- 66 Timber sizes and framework bracing and tie down shall conform with the requirements of AS 1684.
- Please note: these are requirements, which came into effect 1 January 2001.
- 67 Smoke alarms must be installed in Class 1a and 1b buildings in accordance with 3.7.2.3 and 3.7.2.4 of the Building Code of Australia (Housing Provisions) and Australian Standard 3786 **OR**
- Class 2-9 Buildings in accordance with Clause E2.2 of Building Code of Australia 1996.

- Detection systems are to be installed in accordance with manufacturer's specification recommendations and must be connected to consumer mains power where consumer mains power is supplied to the buildings. The detector must be installed on or near the ceiling and located between each part of the dwelling containing bedrooms and the remainder of the dwelling and where bedrooms are serviced by a hallway, in that hallway, and in any other storey not containing bedrooms.
- 68 A wall that separates Class 1 buildings or a Class 1 building from a Class 10a building which is not appurtenant to the Class 1 building must have a FRL of 60/60/60 in accordance with Clause 3.7.1.8 of the Building Code of Australia.
- 69 Sound insulation between sole occupancy units shall comply with Part 3.8.6 of the Building Code of Australia Vol 2.
- a The walls dividing bathrooms, laundries and kitchens in one dwelling from habitable rooms in an adjoining dwelling having a Weighted Sound Reduction Index (R_w) of not less than 50 and be constructed in accordance with Part 3.8.6 of the Building Code of Australia (Housing Provisions)
- b Soil and waste pipes including those that pass through a floor, shall be separated from the rooms of any dwelling immediately adjacent thereto, by construction having a Weighted Sound Reduction Index (R_w) in accordance with Part 3.8.6 of the Building Code of Australia (Housing Provisions).
- 70 The site being provided with protective fencing during the course of construction to restrict public access and suitable signage advising against unauthorised site entry, containing the builders or contact persons name, contact phone number, after hours emergency number, and consent/certificate number. Details must be submitted with the application for the Construction Certificate.
- 71 The premises not being occupied until an **Occupation Certificate** has been determined by approval in accordance with the procedure specified within Part 8 Division 3 of the Environmental Planning and Assessment Regulations 2000.
- 72 Internal walls bounding or separating sole-occupancy units must have a **minimum FRL of not less than 60/60/60** and extend either to the underside of a ceiling, having a resistance to the incipient spread of fire to the roof space of not less than 60 minutes or to the underside of a non-combustible roof covering. Details certifying that the wall complies shall be submitted with the Occupation Certificate.
- 73 Footing and slab construction must comply with the performance requirements of the Building Code of Australia.
- 74 The foundation where the building is to be located must be classified in accordance with AS.2870.1.

- 75 Two (2) sets of structural engineers details prepared and certified by a practising structural engineer of all reinforced concrete and structural members shall be submitted to Council for consideration fourteen (14) days prior to commencement of that particular stage of work.
- 76 A termite barrier, or combination of barriers, shall be installed in accordance with the requirements of:
- a AS 3660.1; or
 - b Clause 3.1.3.3 of the Housing Provisions Building Code of Australia for concrete slabs on ground; or
 - c Clause 3.1.3.4 of the Housing Provisions Building Code of Australia for suspended floors.

Note:

For barrier options, refer to Table 3.1.3.1 of the Housing Provisions.

- 77 Upon completion, a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a the method of protection; and
 - b the date of installation of the system; and
 - c where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.
- 78 Prior to placement of any roofing material all guttering and downpipes must be installed and connected to Council's drainage system. If no Council drainage system is available, the guttering and downpipes must be discharged away from the building site onto a stable vegetated area.
- 79 Paved and concreted areas being graded and drained so as not to cause a nuisance to adjoining properties.
- 80 It is a condition of consent that the Waste Management Plan will be fully complied with in accordance with the agreement signed by Lorelle Fitzpatrick.

"The caretaker or Body Corporate will be appointed to be responsible for placing the Mobile garbage/recycling/green waste containers at a suitable location at the kerbside. These arrangements should be made no earlier than the evening prior to the collection day and returned to a screened area as soon as possible after service or no later than the evening on collection day."

81 ***No works are to commence until the builder, or the person undertaking the building work, has complied with Part 6 of the Home Building Act 1989 (i.e. a copy of Contract of Insurance or Owner Builders Permit). Also Council must be informed of the builder's name, address, licence number and details of the insurance warranty. Any enquiries regarding the obligations of this Act should be directed to the Department of Fair Trading on their free call number 1800802055. No inspections will be carried out by Council until these details are provided.***

- B In accordance with Section 95(1)(a) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.
- C The applicant be advised of those matters requiring attention in the preparation of plans and specifications for an approval under The Building code of Australia and Local Government Approvals (Regulation) NSW 1993.
- D The objector(s) be notified of Council's decision.

Councillors Latella and Doyle dissented.

DH.072 BULK WASTE COLLECTION FROM COUNCIL FOOTPATHS (IR 1236162)
BUSINESS UNIT: HEALTH

MOVED (Drake/Holstein) that the recommendation of the Director – Development and Health be adopted subject to the addition of Parts C and D as follows:

- C *Council undertake to inform real estate agents of the liabilities of owners and tenants in this regard.***
- D *Council investigate the possibility of obtaining the new residential address of tenants when they vacate a property.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A Council note the legal advice in relation to the pursuit of property owners for costs incurred by Council in the collection of rubbish left illegally.
- B Council undertake an advertising campaign to advise residents that they could receive a \$200 on the spot penalty notice for placing bulk waste on Council's footpath unless they have satisfied all of the following conditions:
- 1 Council's waste contractor is contacted and the service day is booked in advance.
 - 2 Waste is not to be placed on the footpath more than 24 hours in advance of the booked day of service.
 - 3 All waste items placed out for collection must conform with Council's specification.

- C** ***Council undertake to inform real estate agents of the liabilities of owners and tenants in this regard.***
- D** ***Council investigate the possibility of obtaining the new residential address of tenants when they vacate a property.***

DH.073

DEVELOPMENT APPLICATION NO. 21248/2003
APPLICANT: P W ANDERSON – PROPOSED TEA ROOMS/CAFE ON LOT: 6
DP: 261764, 9 POOLE CLOSE, EMPIRE BAY (IR 873307)
BUSINESS UNIT: PLANNING & DEVELOPMENT

MOVED (Latella/Doyle) that:

- A** ***This matter be deferred to the Resumption of the Review Committee meeting to be held on 10 August 2004 for inspection and consideration.***
- B** ***Councillors be provided with details of the development application on the adjoining land and what the overall scheme involves.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A** ***This matter be deferred to the Resumption of the Review Committee meeting to be held on 10 August 2004 for inspection and consideration.***
- B** ***Councillors be provided with details of the development application on the adjoining land and what the overall scheme involves.***

DH.059

DEVELOPMENT APPLICATION NO. 21167/2003
APPLICANT: HOWARD & PHILLIPS – PROPOSED DWELLING-HOUSE ON
LOT 1 DP 784716 REEVES STREET SOMERSBY (IR 1186318)
BUSINESS UNIT: PLANNING & DEVELOPMENT

MOVED (Latella/) that ***this matter be deferred until the Western COSS report is formalised.***

The MOTION LAPSED for want of a seconder.

MOVED AS A FURTHER MOTION (Hale/Drake) that the recommendation of the Director - Development and Health on 6 July 2004 with amended and additional conditions be adopted.

- 11 A landscape plan for the site being certified by Conacher Travers as being acceptable so as not to compromise the integrity of their Bushfire Protection Assessment dated **May 2004 (Ref 3065 – 05B)** and being submitted to Council for its **concurrence** prior to such works being carried out.

- 13 **a** The fourteen (14) trees particular for scenic protection screening on plan no 3065 05A prepared by Howard Phillips dated May 04 to be preserved and protected during construction **and maintained for their natural life.**
- b** ***The fourteen (14) trees identified for retention are to be protected throughout all construction phases and their natural life cycle in accordance with the following:***
- i** ***All trees that are approved to be removed shall be removed in a manner so as to prevent damage to those trees which are to be preserved. For example, trees that may have to be removed in accordance with the approved plan shall be removed in section and each section removed by a crane.***
- ii** ***All stumps of trees, which are approved to be removed shall be ground out in a manner so as not to damage the trees to be preserved.***
- iii** ***Prior to commencement of any works on site all fourteen (14) trees shall be protected by a two (2) metre high chain mesh fence around the drip line of all protected trees. This fence shall remain in place until all construction is completed.***
- iv** ***A warning sign shall be erected on the fence identifying the need to protect and retain the fourteen (14) subject trees.***
- v** ***When any of the fourteen (14) protected trees reach the end of their safe useful life expectancy as determined by a suitably qualified arborist. These trees shall be replaced by seed stock from the existing trees. The replanted trees shall be maintained to re-instate the visual amenity of the site as at July 2004, to the satisfaction of Council.***
- vi** ***The fourteen (14) protected and or replaced trees shall be inspected annually by a suitably qualified arborist to determine their health status. The annual tree assessment report shall be submitted to Council's Tree Assessment Officer for review.***
- c** ***Vegetation clearing undertaken in the Outer Protection Zone of the fuel reduction shall be undertaken selectively. Those trees and vegetation which are in poor health shall be removed prior to good health/habitat trees and vegetation. Selective removal shall also consider maintenance of species diversity. An appropriately qualified arborist/ecologist and bushfire consultant shall flag and clearly identify those trees and vegetation best removed to achieve bushfire asset protection requirements.***

- 49** ***Construction of an all weather driveway from the house to the sealed pavement of Reeves Road, a minimum of 4m width. Construction and maintenance to be at no cost to Council. Engineering Plans for the driveway to be submitted and approved by Council prior to the issue of a Construction Certificate for the dwelling house.***

The engineering plans shall show all works including levels, pavement depth, drainage, siltration, erosion control and intersection details with the existing paved road and linemarking.

- 50** ***During all works a suitably qualified professional (ecologist, WIRES Officer) shall be located on site to inspect trees to be removed for hollows. Any hollow bearing tree to be removed shall be sectionally dismantled and any resident fauna cared for and relocated as appropriate. The hollow section of the tree shall be secured to an appropriate sized tree in an alternate location on the site. A constructed nesting box will replace any hollow that was destroyed during works.***

- 51** ***Where appropriate felled trees will be retained on the site and used to provide bank stabilisation and log habitat within the vegetated areas of the site.***

- 52** ***Trees to be cleared and not re-used on the site as log habitat, shall be chipped and used during landscaping and/or Bushland Management.***

- 53** ***Prior to the release of the Construction certificate a Bushland Management Plan be prepared and submitted and approved by Council for the management of those lands identified as 'AREA A' on amended site plan Figure 1 titled Hollow Bearing Trees & Additional Survey Locations as amended in red on the approved plan.***

The Bushland Management Plan must be prepared by an appropriately qualified professional. The plan must be in accordance with the Australian Association of Bush Regenerators Guidelines or NSW TAFE Bush Regenerators Certificate Course Guidelines. The primary objective of the plan is weed management, regeneration of the native vegetation and supplementary native plantings. Supplementary plantings to occur within already vegetated areas shall include but not be limited to locally indigenous occurring species as listed in the Conacher Travers Addendum Flora and Fauna Assessment Report dated October 2003.

Bushland Management Plan progress reports are to be submitted to Council's Environmental Educational and Protection Unit at the following intervals after initial works have commenced; 6 months, 1 year, 1.5 years, 2 years, 3 years, 5 years and 10 years.

- 54** ***A public positive covenant pursuant to Section 88E (3) of the Conveyancing Act 1919 shall be created for those lands identified as 'AREA A' on amended site plan Figure 1 titled Hollow Bearing Trees & Additional Survey Locations as amended in red on the approved plan.***

The public positive covenant shall be created to require the implementation of the Bushland Management Plan.

The public positive covenant shall permit Council or its nominee to enter and inspect the site and carry out any works required under the Bushland Management Plan, at the owners cost if the owner fails to implement and maintain the site in accordance with the Bushland Management Plan as amended and approved by Council

The public positive covenant shall be prepared by Council's Solicitor at the cost of the registered proprietor.

Areas protected by the public positive covenant and management in accordance with the Bushland Management Plan shall be sign posted to identify the conservation value of the land and discourage unnecessary access.

- D Subject to further investigation, Council accept the applicant's offer to create a public right of way over the lot from Reeves Road to the land containing the Railway Dams. A further report be presented to Council at the conclusion of the investigation. The investigation shall cover, among other things, public liability, land ownership and works required.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A Council as consent authority grant consent to Development Application No 21167/2003 for proposed Dwelling-House on Lot 1 DP 784716 Reeves Street, Somersby, subject to the following conditions:**

- 1 No works are to be commenced until a **Construction Certificate** has been issued.**
- 2 Development being generally in accordance with plans numbered 3065 01A, 3065 02, 3065 03 and 3065 04 dated Aug.03, and plans numbered 3065 05A and 3065 05 dated May.04, 6 sheets, submitted/drawn by Howard Phillips, as amended in red, or where modified by any conditions of this consent.**
- 3 Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials is to be carried out between the following **hours of work. (NB No work is to be carried out on Sundays and Public Holidays.)****

Mondays to Fridays – 7.00am to 6.00pm
Saturdays – 8.00am to 4.00pm

- 4 Any building and or works constructed or carried out under the provisions of a development consent/construction certificate shall not be occupied until an **Occupation Certificate** has been issued, or in the case of works, such works are completed in accordance with the development consent and or construction certificate.**

- 5 Compliance with any requirements of the **WorkCover Authority**.
- 6 Trees to be retained shall be protected during site works and construction by the erection of solid barricades around the dripline, and the trunks of such trees.

The developer or contractor will take all measures to **prevent damage to trees** and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within three (3) metres of the trunks of trees to be retained are not permitted unless part of the development as approved, and the storage of spoil, building materials, soils or the driving or parking of any vehicle or machinery within three (3) metres, of the trunk of a tree to be retained, is not permitted.
- 7 **Erosion and Siltation control** measures shall be undertaken in respect to any part of the land where the natural surface is disturbed or earthworks are carried out in accordance with Council's current Code of Practise for Erosion and Sedimentation Control.

The developer and builder shall be held responsible for any breaches of the Protection of the Environment Operations Act 1997. Failure to implement or maintain appropriate erosion/sediment control measures is a breach of Section 120 the Protection of the Environment Operations Act 1997. Such a breach is liable for a \$750.00 on the spot fine for an individual or \$1,500.00 for a Company. Applicant(s) and Builder(s) are advised that spot checks of Erosion and Sedimentation Control measurers may occur and fines for breaches imposed.
- 8 Should any **aboriginal relics** or artefacts be uncovered during works on the site, all work is to cease and the Director of National Parks and Wildlife Service and Darkinjung Local Aboriginal Land Council shall be contacted immediately and any directions or requirements complied with.
- 9 Any relocation or alteration of any **utilities** or any existing services made necessary as a result of this development is to be carried out at no cost to Council, with satisfactory arrangements being made with the authority concerned. These services include stormwater, telephones, electrical cables and power poles, gas, water mains (hydrants, stop valves, stop cocks), sewer mains and manholes, parking and street signs and traffic signals.
- 10 The external surfaces of all buildings are to be of materials and colour which are **low reflective** and which blend with the landscape of the site on which they are to be used and the surrounding natural environment. In this regard, details of material and colour are to be submitted to and approved by Council prior to the issue of a construction certificate.

- 11 A landscape plan for the site being certified by Conacher Travers as being acceptable so as not to compromise the integrity of their Bushfire Protection Assessment dated **May 2004 (Ref 3065 – 05B)** and being submitted to Council for its **concurrence** prior to such works being carried out.
- 12 A 3-metre wide barrier being placed and maintained around the two known Potential Artefact Deposits on site during construction work.
- 13 a The fourteen (14) trees particular for scenic protection screening on plan no 3065 05A prepared by Howard Phillips dated May 04 to be preserved and protected during construction **and maintained for their natural life.**
- b The fourteen (14 trees) identified for retention are to be protected throughout all construction phases and their natural life cycle in accordance with the following:**
- i All trees that are approved to be removed shall be removed in a manner so as to prevent damage to those trees which are to be preserved. For example, trees that may have to be removed in accordance with the approved plan shall be removed in section and each section removed by a crane.*
- ii All stumps of trees, which are approved to be removed shall be ground out in a manner so as not to damage the trees to be preserved.*
- iii Prior to commencement of any works on site all fourteen (14) trees shall be protected by a two (2) metre high chain mesh fence around the drip line of all protected trees. This fence shall remain in place until all construction is completed.*
- iv A warning sign shall be erected on the fence identifying the need to protect and retain the fourteen (14) subject trees.*
- v When any of the fourteen (14) protected trees reach the end of their safe useful life expectancy as determined by a suitably qualified arborist. These trees shall be replaced by seed stock from the existing trees. The replanted trees shall be maintained to re-instate the visual amenity of the site as at July 2004, to the satisfaction of Council.*

- vi The fourteen (14) protected and or replaced trees shall be inspected annually by a suitably qualified arborist to determine their health status. The annual tree assessment report shall be submitted to Council's Tree Assessment Officer for review.*
- c Vegetation clearing undertaken in the Outer Protection Zone of the fuel reduction shall be undertaken selectively. Those trees and vegetation which are in poor health shall be removed prior to good health/habitat trees and vegetation. Selective removal shall also consider maintenance of species diversity. An appropriately qualified arborist/ecologist and bushfire consultant shall flag and clearly identify those trees and vegetation best removed to achieve bushfire asset protection requirements.*
- 14 The future dwelling shall be sited to within the preferred building zone nominated on Schedule 1 "Plan of Bushfire Protection Measures" prepared by Conacher Travers and attached to this Consent.
- 15 Asset Protection Zones shall be provided to the proposed dwelling. These shall take the form of Inner Protection Areas measured from the extremities of the buildings. The Asset Protection Zones shall be as nominated in the following Table and also as depicted in **Schedule 1 attached:**
- | Aspect | Inner Protection Area (Fuel Free) | Outer Protection Area (Fuel Reduced) | Total Asset Protection Zone |
|--------|-----------------------------------|--------------------------------------|-----------------------------|
| North | 30 metres | 10 metres | 40 metres |
| West | 40 metres | 10 metres | 50 metres |
| South | 40 metres | 10 metres | 50 metres |
| East | 50 metres | 10 metres | 60 metres |
- 16 Fuel management within the Asset Protection Zone shall be maintained by regular slashing/mowing in accordance with the guidelines provided in Appendix 1 to the Report prepared by Conacher Travers dated June 2003 (Reference No 3162B).
- 17 The application of Level 3 construction standards of Australian Standard 3959 "Construction of Buildings in Bush Fire Prone Areas", in accordance with Part 2.3.4 of the Building Code of Australia, and additional protection measures as nominated in Section 4.2 of the report prepared by Conacher Travers dated June 2003 (Ref.No.3162B).
- 18 Roof gutters and valleys should be leaf-proofed by the installation of an external gutter protection shroud or a gutter system that denies all leaves from entering the gutter and building up on that gutter. Any material used in such a system shall have a flammability index of no greater than 5 (as measured against Australian Standard 1530.2).

- 19 A fire hose reel shall be provided to the northern and southern elevations of the dwelling capable of reaching all extremities of the dwelling.
- 20 An independent static water supply tank of 22,000 litre capacity, complete with a diesel/petrol powered pressure pump, shall be provided. The independent supply shall be configured to supply the fire hose reels and roof/wall sprinkler systems. The fire hoses and pump shall be located in an area giving safe access for operators.
- 21 A safe refuge area (bushfire safety room) with a 1-hour fire rating shall be provided within the dwelling.
- 22 The land owner/occupier shall be made aware of their liability to manage the development lands for the ongoing protection of themselves and their neighbours under Section 63(2) of the Rural Fires Act.
- 23 The land owner/occupier shall be provided with publications, such as "*Bush Fire Protection for New and Existing Rural Properties*", relating to living in a bushfire prone area. This publication is available through the Rural Fire Service or Council.
- 24 Should Gosford City Council be appointed as the Principal Certifying Authority, the following inspections and fees are required in respect to this approval:
 - a **Commencement of building works
 - b Erosion/Siltation control measures.
 - c Termite protection.
 - d **The placement of footings and steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, or the like).
 - e **The framework including roof members when completed and prior to the fixing of any internal sheets.

NB: This not only includes structural components, but also refers to a schedule of works to be assessed prior to further construction proceedings.
Any certification for concrete construction or termite controls must be submitted to Council prior to this inspection. The inspection of waterproofing of wet areas can be incorporated within the frame inspection.
 - f **Waterproofing in wet areas
 - g Internal drainage lines before the floor is laid, or poured. (Inspection is to be made by Council's Plumbing and Drainage Inspector).
 - h External sewer drainage lines before backfilling of the trenches. (Inspection is to be made by Councils Plumbing and Drainage Inspector).
 - i **Stormwater drainage connection points prior to covering.
 - j Fire fighting services (bushfire).
 - k Level 3 Bushfire Construction details.

- l Essential services (Fire Safety Room).
- m Bushfire Safety Certification.
- n **Final.
- o **Occupation certificate

A fee of \$924.00 for the above required building inspections must be paid prior to the first inspection. The fee may be paid directly at the Customer Service Unit on the Ground Floor of the Administration Building or posted to Council.

NB Inspection Bookings should be made on 4325 8895/8147/8886. Work found to be defective or not ready at time of inspection will attract a re-inspection fee of \$77.00. Please cancel bookings, which will not be ready for inspection.

Note: Please quote the Development Application Number when booking Inspections. Inspection bookings will *not* be accepted without a DA number.

NB A minimum of 48 hours notice is required to be given for all inspections.

** These inspections are **MANDATORY**. Where Council has determined that these inspections are required for the proposed building works an Occupation Certificate will not be issued unless these have been undertaken.

- 25 An Erosion and Sediment Control Plan is to be submitted to and approved by the principal certifying authority prior to the issue of a construction certificate.

The plan will include scaled drawings and detailed specifications which can be readily understood and applied on-site by supervisory staff. Items to be shown on the Plan shall include:-

- a Locality of the site, a north point and scale;
- b Existing contours of the site including catchment area boundaries and indications of direction of fall;
- c Location of and basic description of existing vegetation;
- d Diversion of uncontaminated upslope runoff around the disturbed site(s);
- e Location of significant natural areas requiring special planning or management including water bodies, flood plans, seasonally wet areas, areas prone to ponding/water logging, unstable slopes, etc;
- f Nature and extent of earthworks, including cut and fill and roadworks;
- g Location of all soil and material stockpiles;
- h Location of site access, proposed roads and other impervious areas;
- i Existing and proposed drainage patterns;
- j Location and type of proposed erosion and sediment control measures;
- k Site rehabilitation proposals, including final contours.

- 26 The street or lot number being prominently displayed at the frontage of the property.
- 27 Building materials shall not be stored on Council's footpath or grass verges and a suitable sign to this effect should be erected adjacent to the street alignment. No construction work is to take place on the footpath.
- 28 Timber sizes and framework bracing and tie down shall conform with the requirements of Australian Standard 1684.

Please note: These requirements which came into effect 1 January 2001.

- 29 Smoke alarms must be installed in Class 1a and 1b buildings in accordance with 3.7.2.3 and 3.7.2.4 of the Building Code of Australia (Housing Provisions) and Australian Standard 3786.

Detection systems are to be installed in accordance with manufacturer's specification recommendations and must be connected to consumer mains power where consumer mains power is supplied to the buildings. The detector must be installed on or near the ceiling and located between each part of the dwelling containing bedrooms and the remainder of the dwelling and where bedrooms are serviced by a hallway, in that hallway, and in any other storey not containing bedrooms.

- 30 Attached piers to masonry walls of garage complying with clause 3.3.1.2 of Building Code of Australia (Housing Provisions) (ie piers are to have a minimum dimension of 230 x 230mm).
- 31 Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Environmental Protection Authority or temporary connections to Council's sewer where available, work to be carried out by a licensed plumber and drainer.
- 32 The door to a fully enclosed sanitary compartment must:
a open outwards; OR
b Slide; OR
c be readily removable from the outside of the compartment, unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.
- 33 All building work must be carried out in accordance with the provisions of the Building Code of Australia. In the event Council is nominated as the Principal Certifying Authority, additional information may be required to specifically address matters pertaining to the issue of a Construction Certificate.
- 34 The erection of a building must not be commenced until a principal certifying authority has been appointed.

- 35 Council must be notified within two (2) days of the commencement of work who is to be nominated as the Principal Certifying Authority.
- 36 Excavations and backfilling associated with the approval must be adequately retained. Details from a practising Structural Engineer shall be submitted prior to commencement of building works on retaining walls in excess of one (1) metre in height.
- 37 Waterproofing of wet areas must comply with provisions of AS 3740 or Part 3.8.1.2 of the Building Code of Australia Vol 2.
- 38 Balustrades shall be constructed as follows:
- a The height of a balustrade or other barriers must be in accordance with the following:
 - i the height must not be less than 865mm above the nosings of the stair treads on the floor of a ramp.
 - ii the height must not be less than
 - a 1m above the floor of any access path, balcony, landing or the like; or
 - b 865mm above the floor of any landing to a stair or ramp where the balustrade or other barrier is provided along the inside edge of the landing and is not more than 500mm long.
 - b A transition zone may be incorporated where the balustrade or other barrier height changes from 865mm on the stair flight or ramp to 1m at the landing.
 - c Openings in balustrades (including decorative balustrades) or other barriers must be constructed so that any opening does not permit a 125mm sphere to pass through it. For stairs, the space is tested above the nosing line.
 - d A balustrade or other barrier must be designed to take loading forces in accordance with AS 1170.1.
 - e For floors more than 4m above the surface beneath, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
- 39 Footing and slab construction must comply with the performance requirements of the Building Code of Australia.
- 40 The foundation where the building is to be located must be classified in accordance with AS.2870.1.
- 41 Two (2) sets of structural engineers details prepared and certified by a practising structural engineer of all reinforced concrete and structural members shall be submitted to Council for consideration fourteen (14) days prior to commencement of that particular stage of work.

- 42 A termite barrier, or combination of barriers, shall be installed in accordance with the requirements of:
- a AS 3660.1; or
 - b Clause 3.1.3.3 of the Housing Provisions Building Code of Australia for concrete slabs on ground; or
 - c Clause 3.1.3.4 of the Housing Provisions Building Code of Australia for suspended floors.

Note:

For barrier options, refer to Table 3.1.3.1 of the Housing Provisions.

- 43 Upon completion, a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a the method of protection; and
 - b the date of installation of the system; and
 - c where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

- 44 Roof water being drained to rainwater tank.

- 45 The Erosion Control Plan and its revegetation component must consider the Watagan soil type and the extent of clearing (8900m³). The site under cleared conditions will otherwise erode and silt the environment at a rate of approximately 100 tons for every 20mm of rain-washed soil depth. Deep and extensive erosion is possible.

The Erosion Control Plan shall develop and implement suitable professional strategies at the commencement, during and following the construction process.

Revegetation of the site, using a suitable turf grass species, shall immediately follow bushfire clearing operations, and this turf cover shall be maintained to eliminate and control erosion potentials.

The site shall be fully revegetated with a selected turf prior to the final inspection and issue of an Occupation Certificate.

- 46 The Bushfire Safety Room shall be fully detailed prior to the issue of the Construction Certificate, and be certified as suitable by the Bushfire Consultants, Conacher Travers.

The room shall achieve a fire resistance level of FRL 60/60/60, be of full masonry construction, and have two (2) means of escape. All doors shall have a FRL of -/60/30 and be smoke-sealed.

The fire safety room shall be equipped with a suitable first aid kit and water supply.

- 47 A suitable aerated on-site sewage treatment and disposal system is to be designed and submitted to Council for approval. The system must be installed prior to occupation of the dwelling.
- 48 *No works are to commence until the builder, or the person undertaking the building work, has complied with Part 6 of the Home Building Act 1989 (i.e. a copy of Contract of Insurance or Owner Builders Permit). Also Council must be informed of the builder's name, address, licence number and details of the insurance warranty. Any enquiries regarding the obligations of this Act should be directed to the Department of Fair Trading on their free call number 1800802055. No inspections will be carried out by Council until these details are provided.*
- 49 ***Construction of an all weather driveway from the house to the sealed pavement of Reeves Road, a minimum of 4m width. Construction and maintenance to be at no cost to Council. Engineering Plans for the driveway to be submitted and approved by Council prior to the issue of a Construction Certificate for the dwelling house.***
- The engineering plans shall show all works including levels, pavement depth, drainage, siltration, erosion control and intersection details with the existing paved road and linemarking.*
- 50 ***During all works a suitably qualified professional (ecologist, WIRES Officer) shall be located on site to inspect trees to be removed for hollows. Any hollow bearing tree to be removed shall be sectionally dismantled and any resident fauna cared for and relocated as appropriate. The hollow section of the tree shall be secured to an appropriate sized tree in an alternate location on the site. A constructed nesting box will replace any hollow that was destroyed during works.***
- 51 ***Where appropriate felled trees will be retained on the site and used to provide bank stabilisation and log habitat within the vegetated areas of the site.***
- 52 ***Trees to be cleared and not re-used on the site as log habitat, shall be chipped and used during landscaping and/or Bushland Management.***
- 53 ***Prior to the release of the Construction certificate a Bushland Management Plan be prepared and submitted and approved by Council for the management of those lands identified as 'AREA A' on amended site plan Figure 1 titled Hollow Bearing Trees & Additional Survey Locations as amended in red on the approved plan.***

The Bushland Management Plan must be prepared by an appropriately qualified professional. The plan must be in accordance with the Australian Association of Bush Regenerators Guidelines or NSW TAFE Bush Regenerators Certificate Course Guidelines. The primary objective of the plan is weed management, regeneration of the native vegetation and supplementary native plantings. Supplementary plantings to occur within already vegetated areas shall include but not be limited to locally indigenous occurring species as listed in the Conacher Travers Addendum Flora and Fauna Assessment Report dated October 2003.

Bushland Management Plan progress reports are to be submitted to Council's Environmental Educational and Protection Unit at the following intervals after initial works have commenced; 6 months, 1 year, 1.5 years, 2 years, 3 years, 5 years and 10 years.

- 54** ***A public positive covenant pursuant to Section 88E (3) of the Conveyancing Act 1919 shall be created for those lands identified as 'AREA A' on amended site plan Figure 1 titled Hollow Bearing Trees & Additional Survey Locations as amended in red on the approved plan.***

The public positive covenant shall be created to require the implementation of the Bushland Management Plan.

The public positive covenant shall permit Council or its nominee to enter and inspect the site and carry out any works required under the Bushland Management Plan, at the owners cost if the owner fails to implement and maintain the site in accordance with the Bushland Management Plan as amended and approved by Council

The public positive covenant shall be prepared by Council's Solicitor at the cost of the registered proprietor.

Areas protected by the public positive covenant and management in accordance with the Bushland Management Plan shall be sign posted to identify the conservation value of the land and discourage unnecessary access.

- B** The applicant be advised of Council's decision and of their right to appeal to the Land and Environmental Court within 12 Months after the date of determination.
- C** The objectors etc. be notified of Council's decision.

- D** *Subject to further investigation, Council accept the Applicant's offer to create a public right of way over the lot from Reeves Road to the land containing the Railway Dams. A further report be presented to Council at the conclusion of the investigation. The investigation shall cover, among other things, public liability, land ownership and works required.*

Councillor Latella dissented.

MATTER SUBMITTED BY THE GENERAL MANAGER

GM.007 **ELECTION OF DEPUTY MAYOR (IR 1089638)**
BUSINESS UNIT: GENERAL MANAGER

MOVED (Scott/Hale) that *Council elect a Deputy Mayor for the period from September 2004 to September 2005 with the election to be held at 6.45 pm on Tuesday 28 September 2004.*

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that *Council elect a Deputy Mayor for the period from September 2004 to September 2005 with the election to be held at 6.45 pm on Tuesday 28 September 2004.*

MATTER SUBMITTED BY THE DIRECTOR – ENVIRONMENTAL PLANNING

EP.038 **BROOKLYN ESTUARY MANAGEMENT COMMITTEE (IR 1241039)**
BUSINESS UNIT: NATURAL RESOURCES

MOVED (Holstein/Hale) that the recommendation of the Director – Environmental Planning be adopted.

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that given the importance of the Brooklyn Estuary Management Committee with respect to the development of the Brooklyn Estuary Management Plan and the future management directions of the waterways and catchments ultimately influenced by the Plan, it is recommended that Council:

- 1 **Councillor Latella** has been nominated to join the Brooklyn Estuary Management Committee.
- 2 Write to the Chair of the Brooklyn Estuary Management Committee advising of Council's decision.

MATTER SUBMITTED BY THE DIRECTOR – ENGINEERING OPERATIONS

EO.019 INTERSECTION OF THE PACIFIC HIGHWAY WITH BRISBANE WATER DRIVE/MANNS ROAD, WEST GOSFORD (IR 1222857)
BUSINESS UNIT: ENGINEERING SERVICES (RO.003/2003)

MOVED (Doyle/Holstein) that the recommendation of the Director – Engineering Operations be adopted subject to the addition of Part B as follows:

B *The Director – Engineering Operations include the disparity in traffic studies between this report and the Maunsell report.*

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

A The information provided by the RTA be noted.

B *The Director – Engineering Operations include the disparity in traffic studies between this report and the Maunsell report.*

MATTER SUBMITTED BY THE DIRECTOR – CORPORATE DEVELOPMENT

CD.017 PROPOSAL FOR ANNUAL FESTIVAL (IR 1243005)
BUSINESS UNIT: CORPORATE DEVELOPMENT

MOVED (Hale/Maher) that the recommendation of the Director – Corporate Development be adopted subject to the amendment of Part A and the addition of Part C as follows:

A A working group be established to develop a five year business plan in order to achieve the outlined Goals and Objectives ***and for the working group to include representatives from Tourism, Business Central Coast, sporting groups, arts and performance groups, environmental groups, heritage/history groups, rural groups, business groups, ethnic based groups and youth groups. Indigenous groups be included in this proposal and that indigenous culture and community be represented and reflected throughout this proposal.***

C ***The Director – Corporate Development consult with Central Coast Tourism Incorporated (CCTI) in relation to the forward planning necessary to run such an event.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A A working group be established to develop a five year business plan in order to achieve the outlined Goals and Objectives **and for the working group to include representatives from Tourism, Business Central Coast, sporting groups, arts and performance groups, environmental groups, heritage/history groups, rural groups, business groups, ethnic based groups and youth groups. Indigenous groups be included in this proposal and that indigenous culture and community be represented and reflected throughout this proposal.**
- B Council adopt the schedule for Year one (1) of the festival.
- C **The Director – Corporate Development consult with Central Coast Tourism Incorporated (CCTI) in relation to the forward planning necessary to run such an event.**

MATTER SUBMITTED BY THE DIRECTOR – FINANCE AND CORPORATE SERVICES

FS.084 INVESTMENT OF COUNCIL FUNDS 30 JUNE 2004 (IR 1228560)
BUSINESS UNIT: FINANCE

MOVED (Drake/Hale) that the recommendation of the Director – Finance and Corporate Services be adopted subject to the addition of Part B as follows:

- B The staff once again be congratulated on their superb achievement in maintaining a high investment performance.**

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A The information be noted.
- B The staff once again be congratulated on their superb achievement in maintaining a high investment performance.**

LATE ITEM

MAYORAL MINUTE

MM.008 PRESENTATIONS TO COUNCILLORS

MOVED (Brooks/Doyle) that **preference be given to presentations to Council being scheduled for the 4th Tuesday of the month from 3.00 – 5.00 pm rather than the 2nd Tuesday of the month on which inspections are undertaken.**

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that that ***preference be given to presentations to Council being scheduled for the 4th Tuesday of the month from 3.00 – 5.00 pm rather than the 2nd Tuesday of the month on which inspections are undertaken.***

MOVED (Doyle/Scott) that the meeting move into Open Council.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that the meeting move into Open Council.

ADJOURNMENT OF BUSINESS

The meeting adjourned at 8.43 pm.