

**RESUMPTION OF THE REPORT OF THE REVIEW COMMITTEE OF COUNCIL**  
Held on 10 August 2004

**NB: THIS IS THE RESUMPTION OF THE MEETING OF THE REVIEW COMMITTEE OF COUNCIL RC/2004/12 COMMENCED ON 6 JULY 2004**

Inspections for meeting RC/2004/14 commenced at 8.30 am.

**PRESENT FOR INSPECTIONS**

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

**PRIOR TO THE FORMAL COMMENCEMENT OF THE MEETING THE FOLLOWING INSPECTIONS WERE CONDUCTED**

- DH.079 SUBMISSION TO DEPT OF INFRASTRUCTURE, PLANNING & NATURAL RESOURCES - PROPOSED EXTRACTIVE INDUSTRY ON LOT 2 DP 229889 AND LOT 121 DP 755221, NOS 1215 & 185 PEATS RIDGE ROAD CALGA (IR 1216184)**  
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.078 DEVELOPMENT APPLICATION NO. 21688/2003**  
**APPLICANT: BRAD FITZPATRICK BUILDING DESIGN – PROPOSED DEMOLISH EXISTING UNITS & BUILD 7 UNIT RESIDENTIAL FLAT BUILDING ON LOT 1, LOT 2 AND LOT 3 SP: 10648, 7, 1/7, 2/7 AND 3/7 STATION STREET WOY WOY (IR 907881)**  
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.080 DEVELOPMENT APPLICATION NO 24107/2004**  
**APPLICANT: C M BOURKE – PROPOSED DWELLING ADDITION ON LOT: 2 DP: 204472, 490 ORANGE GROVE ROAD BLACKWALL (IR 1144970)**  
BUSINESS UNIT: PLANNING & DEVELOPMENT
- SF.020 ETTALONG OVAL AMENITIES BUILDING REDEVELOPMENT (IR 1216524)**  
BUSINESS UNIT: RECREATION SERVICES
- 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
- DH.071 DEVELOPMENT APPLICATION NO. 23273/2004**  
**APPLICANT: M ZEATER – MOTEL ON LOT: 14 PRT: PT1 DP: 237060, 90 COPACABANA DRIVE COPACABANA (IR 1049591)**  
BUSINESS UNIT: PLANNING & DEVELOPMENT

- DH.067**      **DEVELOPMENT APPLICATION NO. 17461/2002**  
**APPLICANT: HOWARD PHILLIPS DESIGN PARTNERS – 82A REVIEW OF DETERMINATION OF REFUSAL OF PROPOSED TWO (2) UNIT RESIDENTIAL FLAT BUILDING ON LOT: 5 DP: 14628, 60 BARNHILL ROAD TERRIGAL (IR 1135331)**  
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.082**      **DEVELOPMENT APPLICATION NO. 20624/2003**  
**APPLICANT: NEOMETRO ARCHITECTS – PROPOSED DWELLING-HOUSE (NEW) ON LOT: 2 DP: 221085, 137A OCEAN VIEW DRIVE WAMBERAL (IR 1243793)**  
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.055**      **DEVELOPMENT APPLICATION NO. 21831/2003**  
**APPLICANT: RAYBAL DEVELOPMENTS PTY LTD – PROPOSED PLACE OF PUBLIC WORSHIP ON LOT: 1 DP: 557258, 125 SERPENTINE ROAD ERINA HEIGHTS (IR 1242199)**  
BUSINESS UNIT: PLANNING & DEVELOPMENT

Inspections concluded at 4.00 pm.

The meeting resumed at 6.48 pm. The following Councillors were present:

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

## **CONSIDERATION OF ITEMS STARRED FOR INSPECTION FROM 27 JULY 2004**

MATTERS SUBMITTED TO COUNCIL BY INTER-DEPARTMENTAL AND ADVISORY COMMITTEES OF COUNCIL

### **REPORT OF THE STRATEGY/POLICY WORKSHOP**

Held on 20 July 2004

- SF.020**      **ETTALONG OVAL AMENITIES BUILDING REDEVELOPMENT (IR 1216524)**  
BUSINESS UNIT: RECREATION SERVICES

MOVED (Hale/Drake) that the recommendation of the Strategy/Policy Workshop be adopted.

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A      Council endorse the relocation of the amenities building to the south - eastern corner of Ettalong Oval (near the playground).
- B      Council approves the lodgement of a Development Application for the construction of the relocated amenities building and for the demolition of the existing facilities.

- C Council approve the waiving of fees for the construction of the amenities building at Ettalong Oval, Ettalong as per Policy DO.39 Waiving DA Fees – Council Owned Community Buildings.
- D Council endorse the draft Ettalong Oval Masterplan and place the master plan on Public Exhibition for a period of 28 days.
- E Council recommends the integration of the Ettalong Oval Plan of Management with the generic Sportsground Plan of Management.

## CONSIDERATION OF ITEMS STARRED FOR INSPECTION FROM 3 AUGUST 2004

### MATTERS SUBMITTED BY THE DIRECTOR – DEVELOPMENT AND HEALTH

**DH.067 DEVELOPMENT APPLICATION NO. 17461/2002**  
**APPLICANT: HOWARD PHILLIPS DESIGN PARTNERS – 82A REVIEW OF DETERMINATION OF REFUSAL OF PROPOSED TWO (2) UNIT RESIDENTIAL FLAT BUILDING ON LOT: 5 DP: 14628, 60 BARNHILL ROAD TERRIGAL (IR 1135331)**  
**BUSINESS UNIT: PLANNING & DEVELOPMENT**

MOVED (Drake/Doyle) that:

- A Council defer this matter at the request of the applicant to allow amended plans to be provided to address the grounds for refusal including height and articulation of the western wall of the development.***
- B When amended plans received, objectors be notified and invited to comment.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that

- A Council defer this matter at the request of the applicant to allow amended plans to be provided to address the grounds for refusal including height and articulation of the western wall of the development.***
- B When amended plans received, objectors be notified and invited to comment.***

**DH.071 DEVELOPMENT APPLICATION NO. 23273/2004**  
**APPLICANT: M ZEATER – MOTEL ON LOT: 14 PRT: PT1 DP: 237060,**  
**90 COPACABANA DRIVE COPACABANA (IR 1049591)**  
**BUSINESS UNIT: PLANNING & DEVELOPMENT**

MOVED (Latella/Doyle) that ***Council as the consent authority refuse consent to Development Application No 23273/2004 on Lot 14 Prt Pt1 DP 237060, 90 Copacabana Drive, Copacabana for the following reasons:***

- 1      *The development is too bulky for the site.***
- 2      *15 units are unsustainable on coastal land.***

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 be adopted subject to the amendment of Condition 5 and addition of Part D as follows:

- 5      Management of the Motel being carried out by a professional management company who is to ensure that management is such that impact on the locality by way of vehicular or pedestrian traffic and social interaction is minimised. A copy of the Management Plan including details of the management company are to be submitted to ***and approved by*** Council prior to release of the construction certificate.

***D      On receipt of the Management Plan as required under Condition 5 of the consent, objectors be notified and invited to comment.***

On being put to the meeting the FURTHER MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that

**A      Council as consent authority grant consent to Development Application No. 23273/04 Motel consisting of 15 serviced apartments on Lot: 14 PRT: PT1 DP: 237060, 90 Copacabana Drive COPACABANA 2251, subject to the following conditions.**

- 1      Submission and approval of a schedule of external finishes and colours prior to approval of the Construction Certificate.
- 2      The Waste Management Plan shall be fully complied with in accordance with the agreement signed by Mark Zeater dated 17/4/04
- 3      Excavation and other recyclable material will go to a waste contractor. No recyclable material is to go to landfill.
- 4      The caretaker will 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.

- 5 Management of the Motel being carried out by a professional management company who is to ensure that management is such that impact on the locality by way of vehicular or pedestrian traffic and social interaction is minimised. A copy of the Management Plan including details of the management company are to be submitted to **and approved by** Council prior to release of the construction certificate.
- 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 Development being generally in accordance with plan(s) numbered MZ-CP-02001, dated Dec 2003, 10 sheets (including landscaping plan No 1182-02), submitted by Mark Zeater, drawn by Adrian Winton Architects and Precinct Landscapes, as amended in red, or where modified by any conditions of this consent.
- 9 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.
- 10 **Landscaping** is to be carried out and continually maintained upon the unbuilt portion of the site in accordance with landscaping plan numbered 1182-02 drawn by Precinct Landscapes and submitted by Mark Zeater.
- 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.
- 11 **Street tree** planting at the rate of two (2) native trees per allotment. Details being approved by Council's Tree Preservation Officer.
- 12 Loading and **unloading operations** being confined to within the property.

- 13 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'.
- 14 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.
- 15 No signs other than a **Business Identification Sign** as defined in Council's Outdoor Advertising Development Control Plan are to be displayed or erected until a formal application has been submitted to Council, a consent granted, and a Construction Certificate issued.  
  
A Business Identification Sign only indicates an affiliation with a trade, profession or other association relevant to the business conducted on the premises upon which such a sign is displayed. Such a sign shall have an outline that would fit a rectangular figure 1.0m in length and 0.7m in height.
- 16 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.
- 17 No materials, **waste matter** or products are to be stored outside the building or any approved waste storage area at any time.
- 18 Provision is to be made for the **illumination of the common areas** at the frontage of the site, throughout the hours of darkness.
- 19 Any **lighting on the site** is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 20 No music or other **noise** being directed out over the footpath of the adjoining street or other public places.
- 21 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.
- 22 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.

- 23 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.
- 24 The erection of a building must not be commenced until a principal certifying authority has been appointed.
- 25 Council must be notified within two (2) days of the commencement of work, who is to be nominated as the Principal Certifying Authority.
- 26 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.
- 27 The street or lot number being prominently displayed at the frontage of the property.
- 28 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.
- 29 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.
- 30 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.

- 31 a If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- i must preserve and protect the building from damage, and
  - ii if necessary, must underpin and support the building in an approved manner, and
  - iii Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- b The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 32 Sub-surface ground water is to be excluded from entering the basement carpark.
- 33 Prior to the issue of a Construction Certificate a **security deposit of \$10,000** 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.
- 34 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 Councils web site [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au) to download a form from the Water & Sewerage forms index.

- 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 basement floor level, showing driveway grades and suitable transition at changes of grades and incorporating a roll-over with sufficient freeboard to clear the 1% AEP flood level in the rear lane – generally in accordance with the report dated 22 December 2003 by G & R Design and Construction Pty Ltd;
- 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 release of approved engineering plans:

\$221.70	Concrete footpath
\$100.00	Concrete access crossover
\$755.10	Kerb and gutter

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 Certificate.
- a Kerb and guttering, subsoil drainage, footpath formation, drainage and road pavement across the full frontage of the site in Copacabana Drive and the rear lane.
  - b **Footway formation** graded at +4% from the top of kerb to the property boundary, across the full frontage of the site in the rear lane.
  - c 1.2m wide reinforced (F72 steel fabric) **concrete footpath** in an approved location across the full frontage of the site in Copacabana Drive and the rear lane – relevant connection to the site.
  - d **Vehicle crossing** that has a width of 6.0m and constructed with 150mm thick concrete reinforced with F72 steel fabric.
  - e **Piping** of all stormwater from impervious areas within the site to Council's drainage system located in the rear lane generally in accordance with the G & R Design and Construction Pty Ltd Report dated 22 December 2003.

- 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 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 Submission of a **pavement report** prepared by a practising Geotechnical Engineer. The pavement depths are to be determined in accordance with Council's specifications and the following traffic loadings:

<b>Name of Street</b>	<b>Traffic Loading (ESAs)</b>
Copacabana Drive and Rear lane	2 x 10 <sup>6</sup>

At the completion of construction a Compliance Certificate shall be submitted prior to the issue of a Occupation Certificate, the Geotechnical Engineer is to certify that the pavements as built have been constructed in accordance with the Construction Certificate, accepted practice, and recommendations outlined in the pavement report.

- 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 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.

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

**D** *On receipt of the Management Plan as required under Condition 5 of the consent, objectors be notified and invited to comment.*

Councillor Latella dissented.

**DH.078**

**DEVELOPMENT APPLICATION NO. 21688/2003**

**APPLICANT: BRAD FITZPATRICK BUILDING DESIGN – PROPOSED DEMOLISH EXISTING UNITS & BUILD 7 UNIT RESIDENTIAL FLAT BUILDING ON LOT 1, LOT 2 AND LOT 3 SP: 10648, 7, 1/7, 2/7 AND 3/7 STATION STREET WOY WOY (IR 907881)  
BUSINESS UNIT: PLANNING & DEVELOPMENT**

MOVED (Scott/Doyle) that the recommendation of the Director – Development and Health be adopted subject to the addition of Part E as follows:

***E Council review DCP100 with respect to car parking and discounts given to unit developments within 400 metres of a train station and for visitor carparking for development on the Woy Woy Peninsula. (Clause B.1.7.3(a) Parking)***

On being put to the meeting the MOTION WAS CARRIED.

## THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A Council assume the concurrence of the Director – General Department of Infrastructure Planning and Natural Resources to vary the maximum height plane requirement as specified under Clause 28(4)(a) of the Gosford Planning Scheme Ordinance, under the provisions of State Environmental Planning Policy No 1, to permit the development.
- B Council as consent authority grant consent to Development Application No. 21688/2003 for proposed Demolish existing units & build 7 unit res flat building on LOT: 0, Lot 1, Lot 2 and Lot 3 SP: 10648, 7 Station Street WOY WOY 2256, subject to the following conditions.
- 1 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
  - 2 The **street number** of the property is to be prominently displayed in an appropriate location.
  - 3 **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.
  - 4 Provision shall be made for the erection of one **common television aerial**.
  - 5 Development being generally in accordance with plan(s) numbered 2303/1B, 2B, 3B, dated 30/3/03, 3 sheets, submitted/drawn by Brad Fitzpatrick, and Landscape Plan by Greenthumb Landscape Design No 20305, dated September 2003, as amended in red, or where modified by any conditions of this consent.
  - 6 Compliance with any requirements of the **WorkCover Authority**.
  - 7 All trees affected by the **Tree Preservation Order** shall be retained unless identified on the approved development plan to be removed and those to be removed be replaced by native species at a 2:1 ratio in suitable locations. Trees are not to be located within a 400mm horizontal distance from an authority's services.
  - 8 **Landscaping** is to be carried out and continually maintained upon the unbuilt portion of the site.

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.

- 9 A **retaining wall** shall be constructed along the boundary of the property to prevent spilling of materials onto adjacent properties.
- 10 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.

- 11 **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.

- 12 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'.
- 13 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.
- 14 A vehicular **turning bay** being made available on site to facilitate vehicular egress in a forward manner. The turning bay is to be clearly marked as such, and to comply with Council's Car Parking Policy.

- 15 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.
- 16 Plant and services for electricity and telephone are to be situated **underground** within road reserves.
- 17 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.
- 18 No materials, **waste matter** or products are to be stored outside the building or any approved waste storage area at any time.
- 19 Provision is to be made for the **illumination of the common areas** at the frontage of the site, throughout the hours of darkness.
- 20 Any **lighting on the site** is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 21 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.
- 22 **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.
- 23 Compliance with any 88B instrument affecting the property.
- 24 Existing street tree to front of property being retained.
- 25 This development is subject to Council's DCP106 – Controls for Site Waste Management. A Waste Management Plan is required to be prepared in accordance with Council's Waste Management Guidelines and submitted with the Construction Certificate. The plan should address demolition, construction and final use stages of the proposed development to the satisfaction of Council's Waste Management Officer.
- 26 Compliance with NAtHERS HMB Certificate NoHMB/305/GOS/1618 prepared by Gavin Chambers, dated 24/11/03.

- 27 The residents, 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.
- 28 Standard paling and colourbond fencing is not to be utilised at the frontage of the site for screening purposes. The fence shall be a maximum of 1.5m in height and set back 1.5m from the frontage of the site, with a buffer of dense screening vegetation between the fence and the front boundary. Above a height of 1m, the fence shall be partly transparent being constructed of pickets, fencing bars or the like.
- 29 External walls are to be bagged or rendered and painted details to be submitted with an application for a Construction Certificate.
- 30 Prior to the issue of a Construction Certificate a **security deposit** of **\$7,000.00** 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.
- 31 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](http://www.gosford.nsw.gov.au) to download a form from the Water & Sewerage forms index.

- 32 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. Council's sewer inspection service is to be contacted prior to the commencement of sewer encasement works – **call 4325 8327, 48 hours in advance.**
- 33 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.

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.

34 The **minimum floor level** of all habitable rooms in the development is to be RL 2.45m AHD. A Compliance Certificate shall be submitted prior to the issue of a Occupation Certificate.

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

- a 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;
- b drainage pits and pipes;
- c 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.

- 36 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 in prior to the commencement of works in the road reserve:-

**\$100.00 Concrete Access Crossover**

**\$70.65 Concrete Footpath**

**\$301.95 Kerb and Gutter**

**\$15.00 Stormwater Connection**

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

- 37 **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 Certificate.
- a kerb and guttering, subsoil drainage, footpath formation, drainage and road pavement across the full frontage of the site in Station Street.
  - b **Footway formation** graded at +4% from the top of kerb to the property boundary, across the full frontage of the site in Station Street.
  - c 1.2m wide reinforced (F72 steel fabric) **concrete footpath** in an approved location across the full frontage of the site.
  - d **Vehicle crossing** that has a width of 6.0m and constructed with 150mm thick concrete reinforced with F72 steel fabric.
  - e All **redundant dish crossings** and/or damaged kerb and gutter are to be removed and replaced with new kerb and gutter.

- f **Piping** of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Station Street. Generally in accordance with Report by Halcrow & Associates dated September 2003, received 28/11/03.

- 38 **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 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.

- 39 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.

- 40 Submission of a **pavement report** prepared by a practising Geotechnical Engineer. The pavement depths are to be determined in accordance with Council's specifications and the following traffic loadings:

<b>Name of Street</b>	<b>Traffic Loading (ESAs)</b>
Station Street	2 x 10 <sup>6</sup> m

At the completion of construction a Compliance Certificate shall be submitted prior to the issue of a Occupation Certificate, the Geotechnical Engineer is to certify that the pavements as built have been constructed in accordance with the Construction Certificate, accepted practice, and recommendations outlined in the pavement report.

- 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 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 Certificate.

- 43 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)	<b>\$2,652.00</b>
B	Drainage Land (Key No 787)	<b>\$2,928.00</b>
	Capital (Key No 788)	<b>\$6,857.00</b>
C	Community Facilities Capital (Key No 792)	<b>\$6,789.00</b>
	Land (Key No 793)	<b>\$717.00</b>
D	Open Space Embellishment (Key No 790)	<b>\$3,870.00</b>
	Land (Key No 791)	<b>\$34,650.00</b>
	<b>TOTAL AMOUNT</b>	\$58,463.00

***The total contribution amount of \$58,463.00 is to be paid prior to the issue of a Construction Certificate.***

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.

- 44 Gosford City Council as the Principal Certifying Authority requires the following inspections and fees in respect to this approval:
- a Pier holes before concrete is poured.
  - b The placement of footings and 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 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.
  - 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 Inspection Bookings should be made on 4325 8862/8398. Work that 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:** 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.**

- 45 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.
- 46 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.
- 47 The supplied Specification forms part of this approval. Construction shall be carried out strictly in accordance with the approved Specification. In the event Council is nominated as the Principle Certifying Authority, additional information may be required to specifically address matters pertaining to the issue of a Construction Certificate.
- 48 The street or lot number being prominently displayed at the frontage of the property.
- 49 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.

- 50 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.
- 51 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.
- 52 a If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- i must preserve and protect the building from damage, and
  - ii if necessary, must underpin and support the building in an approved manner, and
  - iii Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- b The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 53 Sub Floor area to be graded to prevent ponding of surface water.
- 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 All exposed timbers having a durability class of 2 or better, being CCA treated. Note: Oregon is not considered a durable timber.
- 56 External walls being provided with minimum R1.5 value insulation.
- 57 Ceilings being provided with minimum R3.0 value insulation.
- 58 A hot water system with a Greenhouse Score of 3.5 stars or greater being installed to serve the dwelling.
- 59 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.

- 60 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.
- 61 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.
- 62 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).
- 63 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.
- 64 ***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.***
- 65 Existing shared driveway to be fully replaced with this development at no cost to the adjoining owners.
- 66 During construction and on those occasions access will be temporarily interrupted the builder is to give reasonable notice to affected persons before such temporary interruption occurs.

- 67 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.
- 68 All trees identified in red on the approved plan are to be retained.
- 69 Trees or vegetation on or adjacent to a site which have been nominated for retention as a condition of development consent must be adequately protected from damage as follows:
- a Prior to the onset of works all trees to be removed according to the plan should be removed in a manner so as to prevent damage to those trees which are to be preserved e.g.; trees may be felled section by section or removed by crane.
  - b All stumps are to be ground out or removed in a manner so as not to damage the trees to be preserved.
  - c Tree Protection Zones are to be determined by the table below.
  - d All Tree Protection Zones are to be mulched from 75 to 100mm depth using a suitable organic mulch.
  - e Two metre high chain mesh fences should be erected around Tree Protection Zones and the fences shall remain intact until all construction on the site is completed.
  - f Fences around Tree Protection Zones should be sign posted to warn contractors of their purpose.
  - g Treatment and pruning of trees may only undertaken by qualified arborists. On sites involving large scale developments the applicant will also be required to employ a suitably experienced Arborist. The Arborist will be required to be present during critical stages of construction, in order to provide regular reports with photographic documentation to Council of what occurs on site, and will be advised well in advance of events or meetings.

### 1.1.1 Tree Protection Zones

#### MINIMUM DISTANCES FOR PROTECTIVE FENCING AROUND TREES

Tree Age	Trunk diameter mm	Minimum distance m
Young trees (less than 1/3 life expectancy)	<200	2.0
	200 to 400	3.0
	>400	4.0
Middle age tree (1/3 to 2/3 life expectancy)	<250	3.0
	250 to 500	4.5
	>500	6.0
Mature trees	<350	4.0
	350 to 750	6.0
	>750	8.0

## NOTES:

- 1 The Tree Protection Zone may be modified to take into consideration the tolerance of individual species to disturbance.
- 2 This Table relates to the distance from the centre of the tree to outer edge of Tree Protection Zone.
- 3 With appropriate precautions, temporary site works can occur within the Tree Protection Zone, e.g. for access or scaffolding.

C 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.

D The objector(s) be notified of Council's decision.

***E Council review DCP100 with respect to car parking and discounts given to unit developments within 400 metres of a train station and for visitor carparking for development on the Woy Woy Peninsula. (Clause B.1.7.3(a) Parking)***

**DH.079 SUBMISSION TO DEPT OF INFRASTRUCTURE, PLANNING & NATURAL RESOURCES - PROPOSED EXTRACTIVE INDUSTRY ON LOT 2 DP 229889 AND LOT 121 DP 755221, NOS 1215 & 185 PEATS RIDGE ROAD CALGA (IR 1216184)**  
BUSINESS UNIT: PLANNING & DEVELOPMENT

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

***C Should the Department be inclined to support the application, the provision of condition 31.7 of the original consent numbered 12104/1989 relating to payments made for road maintenance should be continued for the life of the quarry.***

***D Should the Department be inclined to support the application, a report be brought back to Council in relation to the amount of water that is required for the extension of the quarry.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

A The Department of Infrastructure, Planning and Natural Resources be advised that Council has the following concerns with the development application for the extension of Calga Sands Quarry:

- 1 That the component of the proposal to import soil, fine aggregate or other materials to blend with sand produced, or friable sandstone sourced from excavation sites and/or other nearby properties, is not considered to fall within the definition of an extractive industry and may be a prohibited use.

- 2 That the exceedance of the noise criteria, as identified in the Noise Assessment by Wilkinson Murray Pty Ltd, will result in adverse noise impacts to adjacent properties and occupants. The quarry activities should be restricted by, or by a combination of, either a reduction in the hours of operation in those Stages where the exceedances are expected to occur, and also restrictions be placed on the extraction material at surface level when meteorological conditions are not suitable.
  - 3 The visual impact of the 5-metre high acoustic bund walls and hoardings around the wash plant and mortar sand plant on the scenic quality of the area has not been addressed in the Environmental Impact Statement.
  - 4 The Environmental Impact Statement does not appear to address vehicular access to the quarry floor for Lot 121 once quarry operations have ceased.
  - 5 Stage 4/4 should not be included in any development consent issued for the extension of Calga Sands Quarry as the impacts to groundwater cannot be adequately predicted and the adverse noise impacts to adjacent lands and occupants. The Noise Assessment also indicates that further assessment of noise mitigation options would be required at the time Stage 4/4 proceeds. This is unsatisfactory and should be documented now or, if it cannot be determined at this point in time, Stage 4/4 should not be included.
  - 6 The buffer zones / limit of extraction from the eastern and southern boundaries are inadequate and should be increased to a minimum of 30 metres, excluding access roads, wheelwash, parking and administrative areas and the like.
  - 7 The proposed rehabilitation of the site to Class 3 agricultural land is not likely to be achieved given the use of overburden material and limited topsoil.
  - 8 Consideration of Environmental water flow needs to be maintained in the small un-named tributary of Cabbage Tree Creek to maintain riparian habitat.
  - 9 Pursuant to the provisions of clause 8(3) of SREP No 8 that the extension of the proposed quarry across Stages 3/3, 4/1 and 4/2 are defined as sedgeland is prohibited.
  - 10 To maintain groundwater supply to the water dependent sedgeland ecosystem sand extraction should be limited/restricted to the level that allows natural groundwater to enter the sedgeland.
  - 11 Gosford City Council has not varied its setback requirements of 90 metres.
- B A copy of Council's Planning Report be forwarded to the Department of Infrastructure, Planning and Natural Resources to provide background information.

- C** *Should the Department be inclined to support the application, the provision of condition 31.7 of the original consent numbered 12104/1989 relating to payments made for road maintenance should be continued for the life of the quarry.*
- D** *Should the Department be inclined to support the application, a report be brought back to Council in relation to the amount of water that is required for the extension of the quarry.*

**DH.080**

**DEVELOPMENT APPLICATION NO 24107/2004**

**APPLICANT: C M BOURKE – PROPOSED DWELLING ADDITION ON LOT: 2**

**DP: 204472, 490 ORANGE GROVE ROAD BLACKWALL (IR 1144970)**

**BUSINESS UNIT: PLANNING & DEVELOPMENT**

MOVED (Maher/Hale) that:

- A** *This matter be deferred to allow Council to review DCP 155 and give consideration to the amendment of the foreshore building line to delete the requirement for dwellings to observe the line of established buildings.*
- B** *A further report be brought to Council which includes the supplementary information that has been provided by the applicant.*

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A** *This matter be deferred to allow Council to review DCP 155 and give consideration to the amendment of the foreshore building line to delete the requirement for dwellings to observe the line of established buildings.*
- B** *A further report be brought to Council which includes the supplementary information that has been provided by the applicant.*

**DH.082**

**DEVELOPMENT APPLICATION NO. 20624/2003**

**APPLICANT: NEOMETRO ARCHITECTS – PROPOSED DWELLING-HOUSE (NEW) ON LOT: 2 DP: 221085, 137A OCEAN VIEW DRIVE WAMBERAL (IR 1243793)**

**BUSINESS UNIT: PLANNING & DEVELOPMENT**

Councillor Doyle declared his interest in relation to this item, under Chapter 14 of the Local Government Act 1993, as he resides in an adjoining property and did not take part in the consideration or discussion of, or vote on any question relating to item DH.082 of Matters Submitted by the Director - Development and Health.

Councillor Doyle left the meeting at 7.18 pm.

MOVED (Brooks/Drake) that the recommendation of the Director – Development and Health be adopted subject to the amendment of Conditions 32 and 33 as follows:

- 32** *All Norfolk Island Pines on the site are to be retained and suitably bridged in the driveway design to ensure the integrity of the root zone of each tree.*
- 33** The driveway, filling and construction method of the driveway in close proximity to the ~~three retained~~ Norfolk Island Pines is to be accurately detailed in a report to be submitted to Council. The report is to be endorsed by a qualified Arborist and approved by Council prior to the issue of a Construction Certificate.

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. 20624/2003 for proposed Dwelling House on LOT: 2 DP: 221085, 137A Ocean View Drive WAMBERAL 2260, subject to the following conditions.
- 1 No works are to be commenced until a **Construction Certificate** has been issued.
  - 2 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
  - 3 Development being generally in accordance with plan(s) numbered DA01C to 07C and 09C, dated 2/5/04, 8 sheets, submitted/drawn by Neometro Architects, as amended in red, or where modified by any conditions of this consent.
  - 4 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. Details being submitted prior to issue of Construction Certificate.
  - 5 Should Gosford City Council be appointed as the Principal Certifying Authority then the following inspections and fees are required in respect to this approval:
    - a **\*\*Commencement of building works.**
    - b Erosion/Siltation control measures.
    - c Pier holes before concrete is poured.
    - d Termite protection.

- e      \*\*The placement of footings and steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, or the like).
- f      \*\*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.
- 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      Upper floor beams and joists before the fixing of any flooring material.
- j      \*\*Stormwater drainage connection points prior to covering.
- k      Roof/surface water dispersal pits.
- l      \*\*Final.
- m      \*\*Occupation certificate

A fee of \$693.00 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 Inspection Bookings should be made on 4325 8837. Work that 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:** 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.

- 6      Any **fill** or spoil material generated by excavation or site works should be **removed from the site or stored** in such approved manner to the satisfaction of Council, so as not to constitute a siltation/erosion problem or the potential to cause such a problem.

Strict adherence to Council's siltation/erosion control policy must be observed before the commencement of any site works, during construction and after completion of all building works.

**Advice:** Failure to comply with Council's policy may result in Council instigating legal proceedings or immediate on the spot fines under the *Protection of the Environment Operations Act, 1997*.

- 7 **Nutrient Control Measures** for Class 1 and 10 buildings only shall be designed and installed in accordance with Council Policy E0.09 Best Practice Guidelines Nutrient Policy.
- 8 The erection of a building must not be commenced until a principal certifying authority has been appointed.
- 9 Council must be notified within two (2) days of the commencement of work, who is to be nominated as the Principal Certifying Authority.
- 10 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.
- 11 The street or lot number being prominently displayed at the frontage of the property.
- 12 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.
- 13 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.
- 14 All exposed timbers having a durability class of 2 or better, being CCA treated. Note: Oregon is not considered a durable timber.
- 15 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.
- 16 The installation of garbage disposal units is not permitted due to the release of nutrients into Council's sewerage system.
- 17 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 unauthorized 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.

18 This development is subject to Council's DCP106 – Controls for Site Waste Management. A Waste Management Plan is required to be prepared in accordance with Council's Waste Management Guidelines and submitted with the Construction Certificate. The plan should address demolition, construction and final use stages of the proposed development.

19 To facilitate the installation of infrastructure for the supply of telecommunications services to single residential sites, you will need to contact Telstra on 132200 or go to <http://www.telstra.com.au/movinghome/newhome.htm> for further information and to advise Telstra of your building schedule and requirements.

For dwellings being constructed with 3 or more units or for multi lot and commercial developments, you will need to contact CONRES by any of the following methods prior to the commencement of construction:

E-Mail [telstra@conres.com.au](mailto:telstra@conres.com.au) <mailto:telstra@conres.com.au>  
PO Box Locked Bag 1160, Wahroonga NSW 2076  
Phone Free Call 1800 180 118 or Sydney 9482.1254  
Internet [www.conres.com.au](http://www.conres.com.au) <http://www.conres.com.au>

20 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.

21 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.

22 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
    - 1m above the floor of any access path, balcony, landing or the like; or

- 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.
- 23 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.
- 24 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.
- 25 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.
- 26 Roof water being drained to rainwater tank.
- 27 *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.*

- 28 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.
- 29 A hot water system with a Greenhouse Score of 3.5 stars or greater being installed to serve the dwelling.
- 30 The provision of plumbing and maintenance of a rainwater tank (of minimum 5000L capacity) to new dwellings, in accordance with the requirements of Development Control Plan No 165 –Water Cycle Management, the National Plumbing and Drainage Code AS/NZS 3500 and Council's Guidelines for the Installation of Rainwater Tanks on Residential Properties – Plumbing Requirements. The rainwater tank shall be located in such a position as to maximise rainwater collection from the roof via downpipes and shall include, but not limited to the retention of water on – site incorporating first flow diversion devices fixed to all inflows, provided with a functioning pressure pump, and plumbed to service all toilets and external taps. The tank shall be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.
- 31 Prior to the occupation of the building, the submission to Council of a Compliance Certificate certifying that the roofwater and associated rainwater tank drainage (new dwellings) has been installed in accordance with Australian Standard 3500 and Council's Guidelines for Rainwater Tank Installation.
- 32 ***All Norfolk Island Pines on the site are to be retained and suitably bridged in the driveway design to ensure the integrity of the root zone of each tree.***
- 33 The driveway, filling and construction method of the driveway in close proximity to the ~~three retained~~ Norfolk Island Pines is to be accurately detailed in a report to be submitted to Council. The report is to be endorsed by a qualified Arborist and approved by Council prior to the issue of a Construction Certificate.
- 34 The first floor ceiling levels are to be reduced in height by 500mm, thus reducing the overall height of the building by the same distance.
- 35 ***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 objectors be notified of Council's decision.

**DH.055****DEVELOPMENT APPLICATION NO. 21831/2003**

**APPLICANT: RAYBAL DEVELOPMENTS PTY LTD – PROPOSED PLACE OF PUBLIC WORSHIP ON LOT: 1 DP: 557258, 125 SERPENTINE ROAD ERINA HEIGHTS (IR 1242199)**

**BUSINESS UNIT: PLANNING & DEVELOPMENT**

Councillor Doyle returned to the meeting at 7.25 pm.

MOVED (Maher/Hale) that the recommendation of the Director – Development and Health be adopted subject to the amendment of Conditions 16 and 78 and the addition of Part E as follows:

- 16 A 1.8 metre high **decorative screen** fence shall be erected ~~on~~ **adjacent to** the southern boundary. The length of fence shall provide adequate privacy to adjoining neighbours. **The fence is to be sited within the landscaped area and set back 2-3 metres from the boundary alignment. (Note paling and colourbond fencing are unacceptable)**
- 78 **Extensive landscape screening is to be carried out on the full frontage of Serpentine Road. Landscaping is to incorporate super advanced native species with a mature height reflecting the finished height of the development.**
- E The issue of traffic on Serpentine Road in relation to this development and others be referred to the Traffic Committee to address the following:**
- 1 Provision of 'No Parking signs' along the eastern boundary of the site.**
  - 2 Provision of a pedestrian crossing for school children on the western side of Serpentine Road at the intersection of Erina Valley Road.**
  - 3 Investigate the possibility of 'residents only' parking.**

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that

Council approve the application in accordance with the recommendation of the Director – Development & Health of 1 June 2004 subject to the following amendments to proposed conditions of consent:

- 5 Development being generally in accordance with plan(s) numbered job 3021 DA01 as amended 27/07/04 *Issue A*, DA03 as amended 05/07/03 *Issue A*, DA05 as amended 23/07/04, PWD00 as amended 22/07/04 *Issue D*, PWD01 22/07/04 *Issue D*, PWD07 dated 22/07/04 *Issue A*, PWD08 dated 22/07/04 *Issue A*, PWD08 dated 22/07/04 *Issue A*; 8 sheets, submitted Raybal Developments Pty Ltd drawn by Projectworks Design, as amended in red, or where modified by any conditions of this consent.
- 13 **Landscaping** is to be carried out using advanced native species and continually maintained upon the unbuilt portion of the site.
- 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 Landscape Plan drawing LO1A dated 12/07/03 prepared by Roger Williams & Associates Landscape Consultants. The landscape plan is indicative only of the approved car parking design. *The approved layout is reflected under the plan-set referred to in Condition No 5.*
- 16 A 1.8 metre high **decorative screen** fence shall be erected ~~on~~ **adjacent to** the southern boundary. The length of fence shall provide adequate privacy to adjoining neighbours. **The fence is to be sited within the landscaped area and set back 2-3 metres from the boundary alignment. (Note paling and colourbond fencing are unacceptable)**
- 58 The following works are to be undertaken by the applicant as a requirement of the development: -
- a On Site Detention for the development.
  - b Nutrient Control.
  - c New full width road construction along the frontage of the development site to Erina Valley Road. The full width road construction is to extend from the intersection of Serpentine Road, to the new crossing for the overflow carpark. The alignment of the full width road construction is to be set by Council Development Engineer prior to the Road Design commencing. As a guide the applicant is to provide at least an 8.0m wide carriageway with kerb and gutter on both sides of the new road.
  - d At the intersection of The Serpentine and Erina Valley Road, a type "B" intersection is to be provided for both the right and left hand turns. These works are to be designed in accordance with Austroads, Part 5, Intersections at Grade. The alignment of the kerb and gutter around the intersection is to be set by the Development Engineer *and be generally in accordance with preliminary plan Job No.3021 Sheet No. PWD01 Site Plan Dated 07.07.04 by Project Works Design. In regard to this matter the following process shall be undertaken.*

The applicant is to prepare a suitable preliminary design, which is to be submitted to, considered by and approved by Council's Development Engineer prior to full road design commencing. Roadworks are to be undertaken as follows:

- 1 K&G is to be provided along both sides of Serpentine Road from the point, (in the north west), where the existing lanes begin to be widened, to the end of the kerb return in Hastings Road, and
  - 2 K&G is to be provided along the frontage of the development site from the north west side of Hastings Road, to the south eastern most point of the frontage of the development site and
  - 3 Road shoulder and reconstruction of the existing pavement sufficient to achieve the above upgraded intersection.
  - 4 1.2m wide concrete footpath along the full frontage to The Serpentine.
  - 5 1.2m wide concrete footpath along the frontage of Erina Valley Rd from the intersection of The Serpentine to the new crossing leading to the "Overflow Carpark" entrance.
  - 6 Trim/fill the footway, along the full frontage to The Serpentine, to be of a consistent grade. The range of acceptable grades is between 3-6%.
  - 7 Trim/fill the footway, along the frontage of the development site to Erina Valley Road which is being developed, to be of a consistent grade. The range of acceptable grades is between 3-6%.
  - 8 A New Concrete Kerb Crossing to the main carpark; Width to be (Entry) 4.0m + (Exit) 4.0m + 1.0m separating median, (median to have SF kerb).
  - 9 A New Concrete Footway Crossing to the main carpark, width to be (Entry) 4.0m + (Exit) 4.0m + 1.0m separating median, (median to have SF kerb).
  - 10 For the Overflow area a new Concrete Kerb Crossing. Min width to be 6.5m.
  - 11 For the Overflow area a new Concrete Footway Crossing. Min width to be 6.5m wide.
  - 12 Drainage in the Public Roads so as not to direct any increase in stormwater runoff to adjoining properties.
  - 13 Drainage from the built and impervious development to be piped to a new level spreader dispersal system.
  - 14 Construction of a new level spreader dispersal system. The new level spreader is to extend, along the contour, across the full width of the low side of the development site.
  - 15 Internal accessway, carparking and manoeuvring areas to be concrete or asphaltic bitumen sealed. The carparking, accessways and rear-turfed overflow parking area are to be kerbed and guttered.
  - 16 Fencing to be provided as a barrier, to stop the use of the remaining area being used as carparking.
  - 17 If required, arrange to have any services in the public road or footway repositioned or adjusted, raised or lowered, in order to make the work effective.
- 68 Dedication of land as public road, may be required to provide the Type "B" intersection; should this be deemed necessary then sufficient land shall be dedicated as public road at no cost to Council.

- 78** *Extensive landscape screening is to be carried out on the full frontage of Serpentine Road. Landscaping is to incorporate super advanced native species with a mature height reflecting the finished height of the development.*
- E** *The issue of traffic on Serpentine Road in relation to this development and others be referred to the Traffic Committee to address the following:*
- 1** *Provision of 'No Parking signs' along the eastern boundary of the site.*
  - 2** *Provision of a pedestrian crossing for school children on the western side of Serpentine Road at the intersection of Erina Valley Road.*
  - 3** *Investigate the possibility of 'residents only' parking.*

## MATTERS DEFERRED FOR INSPECTION AND/OR FURTHER CONSIDERATION

**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**

Councillor Scott left the meeting at 7.51 pm and returned at 7.59 pm.

MOVED (Drake/Doyle) that the recommendation of the Director – Development and Health be adopted subject to the amendment of Part A and the addition of Conditions 36 and 37 as follows:

A      Council as consent authority grant consent to Development Application No 21248/2003 for Proposed ~~Restaurant~~ – Tea Rooms/Café on Lot 6 DP261764 No 9 Poole Close, Empire Bay subject to the following conditions:

- 36** *Floor level to be a minimum of 800mm above development site.*
- 37** *Extensive landscape screening is to be carried out along the eastern boundary of the subject site between the rear of the proposed development and the adjoining property. Landscaping is to incorporate super advanced native species.*

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 21248/2003 for Proposed ~~Restaurant~~ – Tea Rooms/Café on Lot 6 DP261764 No 9 Poole Close, Empire Bay 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 consent of the Council being obtained prior to any **change of use** of the premises being made.
- 3 The **street number** of the property is to be prominently displayed in an appropriate location.
- 4 Development being generally in accordance with plan(s) numbered AND 02 1/4 to 4/4, dated November 2002, 4 sheets, submitted/drawn by Karen Burke, as amended in red, or where modified by any conditions of this consent.
- 5 Compliance with any requirements of the **WorkCover Authority**.
- 6 All trees affected by the **Tree Preservation Order** shall be retained unless identified on the approved development plan to be removed and those to be removed be replaced by native species at a 2:1 ratio in suitable locations. Trees are not to be located within a 400mm horizontal distance from an authority's services.
- 7 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.
- 8 **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 measures may occur and fines for breaches imposed.

- 9 Loading and **unloading operations** being confined to within the property.
- 10 No signs other than a **Business Identification Sign** as defined in Council's Outdoor Advertising Development Control Plan are to be displayed or erected until a formal application has been submitted to Council, a consent granted, and a Construction Certificate issued.

A Business Identification Sign only indicates an affiliation with a trade, profession or other association relevant to the business conducted on the premises upon which such a sign is displayed. Such a sign shall have an outline that would fit a rectangular figure 1.0m in length and 0.7m in height.
- 11 No materials, **waste matter** or products are to be stored outside the building or any approved waste storage area at any time.
- 12 Any **lighting on the site** is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 13 Any **materials stored** outside the building shall be **completely** screened from view from any public place and adjacent premises and shall not encroach on the parking, vehicular manoeuvring or landscaped areas.
- 14 The **external surfaces** of all buildings are to be of materials prescribed by Interim Development Order No 122 being:
  - a dark tones and dark coloured materials of a low reflective quality, OR
  - b materials which are painted or similarly treated with a dark tone or dark coloured paint or pigment of a low reflective quality, which blend with the landscape of the site on which they are to be used and its surroundings.
- 15 Proposed tea rooms/café not to be operated/promoted as a separate business to the plant nursery.
- 16 Tea rooms/café not to operate outside approved hours of operation of the plant nursery.
- 17 Submit an application for on site sewerage disposal system alteration and extension.

18 Compliance with the Act, Regulation and the Food Standards Code.

The fitout of the food premises is to comply with the Food Act, 1989, Food Regulation 2001, ANZFA Food Standards Code and the “National Code for the Construction and Fitout of Food Premises”. Details of compliance are to be included in the plans and specifications for the **construction certificate** to the satisfaction of the certifying authority.

Reason:- to ensure the fitout complies with relevant standards

19 Design and Construction of food premises

The design and construction of food premises must comply with the following requirements, as applicable:-

- a The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
- b The intersection of walls with floors and plinths to be coved, having a minimum radius of 25mm.
- c Walls of the kitchen preparation areas and the like to be of solid construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall to a minimum height of 2m above the floor level, to provide a smooth even surface.
- d Walls where not tiled are to be cement rendered and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- e All service pipes throughout the premises are to be concealed in the walls, floors, plinths and ceilings. Where this is not possible, the pipes should be fixed on non-corrosive brackets so as to provide at least 25mm clearance between the pipe and any vertical surface and 100mm between the pipe and any horizontal surface.
- f The ceilings of kitchen, food preparation area, storerooms and the like, to be of rigid smooth-faced, non absorbent material i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
- g All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework or the like.

- h Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particle board or similar material is not permitted unless laminated on all surfaces. Shelving should be fixed 25mm clear of the walls.
- i Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all door and window openings, and an electronic insect control device is to be provided within the food premises.
- j Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
- k A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS1668 Parts 1 & 2.
- l Wash hand basins being provided in convenient positions, with hot and cold water laid under pressure, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
- m Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.
- n The storage area located within the WC air lock to be used only for the storage of cleaning products and the like. Under no circumstances is food of any type to be stored in this area.

Sufficient detail shall be included in the construction certificate plans to confirm compliance with these requirements.

Reason:- to ensure the fitout complies with the food premises standards.

## 20 Mechanical Ventilation/Exhaust System

Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the PCA **prior to a construction certificate being issued** for the subject works.

Reason:- to ensure compliance with the BCA and AS 1668

## 21 Registration of Food Premises – Inspection prior to occupation

Council is to be notified upon completion of work and prior to occupancy, to enable the premises to be inspected by Council's Environmental Health Officer and for the premises to be registered with the Council as a food premises prior to the issuing of an occupation certificate by the PCA.

Reason:- to ensure the fitout of the food premises complies with the relevant standards and to enable registration of the food premises.

## 22 Emission control

There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the **construction certificate** for the subject works.

Reason:- to minimise any potential odour/smoke nuisance.

23 **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.

24 **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.

25 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.

26 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.

27 The erection of a building must not be commenced until a principal certifying authority has been appointed.

28 Council must be notified within two (2) days of the commencement of work, who is to be nominated as the Principal Certifying Authority.

- 29 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.
- 30 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.
- 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 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.
- 33 Roof water being drained to existing stormwater drainage system.
- 34 Gosford City Council as the Principal Certifying Authority requires the following inspections and fees in respect to this approval:
  - a Erosion/Siltation control measures.
  - b The placement of footings and 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.
  - d 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.
  - e Final.
  - f Occupation certificate

**A fee of \$230.00** 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** Inspection Bookings should be made on 4325 8398/8252. Work that is found to be defective **or** not ready at time of inspection will attract a **reinspection 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.**

- 35 The tea rooms/café shall not be operated outside those times that the plant nursery is open for business and shall not be operated as a separate restaurant.
- 36 ***Floor level to be a minimum of 800mm above development site.***
- 37 ***Extensive landscape screening is to be carried out along the eastern boundary of the subject site between the rear of the proposed development and the adjoining property. Landscaping is to incorporate super advanced native species.***
- 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 objector(s) be notified of Council's decision.

## **LATE ITEM(S)**

Nil.

MOVED (Doyle/Macfadyen) 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 8.07 pm.



