

## 5. DA No. 2008.0416: Multi unit housing development – Lot 2 DP18927, Beach Street, Tathra

Group Manager, Planning and Environment

<b>Applicant</b>	Robyn Bowden
<b>Owner</b>	G Brittliff
<b>Site</b>	Lot 2 DP18927, No. 2 Beach Street, Tathra
<b>Zone</b>	2(a) Residential Low Density Zone
<b>Site area</b>	989m <sup>2</sup>
<b>Proposed development</b>	Multi unit housing development and strata subdivision in two stages

### PRECIS

The application was report to Council at its meeting dated 5 May 2009 and was deferred in accordance with Council adopted Policy in response to an address on the day by the applicant. The details of the address are outlined in the report.

Approval is recommended subject to appropriate conditions of Consent.

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### DESCRIPTION OF THE SITE AND SURROUNDING LANDS

The subject land is an elongated shaped lot having road frontages to both Beach Street and East Lane, Tathra. The land falls gradually from the East Lane frontage to Beach Street.

A single storey older style brick and fibro cement dwelling with garage parking under is currently erected on the land. The dwelling fronts Beach Street on a 10 metre building line.

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Beach Street has been constructed to a sealed 4.5 metre standard but has no kerb and guttering along its length. East Lane, for part of its length, is constructed and sealed to a 4.5 metre standard with upright kerb and guttering. The remaining section has only been sealed.

The area in the main is characterised by modest, older style single storey dwellings with landscaped surrounds. However, a number of more contemporary styled dwellings have been erected in the immediate locality in recent times.

A small supermarket is located at the intersection of East Lane and Bega Street. The building is of a single storey construction with its shop front orientated to Bega Street.

A two storey, multi unit housing development is located at the intersection of Beach Street and Bay Street. The development has a common boundary with the land subject of this application.

## DESCRIPTION OF THE PROPOSAL

30 The application provides for the retention of the existing dwelling fronting Beach Street and the erection of two new dwellings fronting East Lane.

The existing dwelling and its surrounds will retain their character and identity within the streetscape.

The proposed new dwellings would be of a contemporary two storey design on a 6 metre building line to East Lane. The building would comprise a ground floor 2 bedroom unit and first floor 3 bedroom unit.

Textured coated brickwork and factory pre-coloured metal roof materials are to be used in its construction. Powder coated aluminium windows and aluminium/glass/stainless steel balcony features are proposed.

40 Each unit would be serviced with open balconies and ground level landscaped private open space areas.

Vehicular and pedestrian access to the building would be via East Lane. Carparking for unit 1 would be provided within the building. The carparking arrangement for unit 2 would comprise garage parking for one vehicle. The associated driveway area would be sealed using patterned concrete and 'grasscrete' surfaces.

The building is proposed to be located on a zero building setback to the western boundary on the basis that the adjoining lands are zoned for commercial purposes and the subject land is narrow (15.2 metres) which limits the siting and design of a building.

A copy of the plans will be available at Council's meeting.

## 50 ISSUES

The issues relevant to Council's consideration and determination of the application were detailed in the report submitted to Council at its meeting dated 5 May 2009. ([www.begavalley.nsw.gov.au/Your\\_Council/Council\\_Meetings/20090505/pe07.pdf](http://www.begavalley.nsw.gov.au/Your_Council/Council_Meetings/20090505/pe07.pdf))

The matters now under assessment and consideration are those which were raised by the applicant in her address to Council.

## ADDRESS

60 The applicant is objecting to three of the conditions in the Draft Consent which have been recommended to help secure the visual privacy of adjoining lands and to improve the function of East Lane in keeping with the traffic generating potential of the proposed development.

The draft conditions of concern are:

Condition 17, which reads

*“A 1700mm high privacy screen shall be erected on the eastern edges of the rear balcony to unit 1 so as to help ensure the privacy of adjoining lands.”*

Condition 18, which reads

*“The dining room window located in the eastern elevation to unit 1 shall be deleted or respecified and located so as to help ensure the privacy of adjoining lands.”*

Condition 44(a), which reads

*“Provision of signage and line marking to change East Lane from existing two way traffic to one way traffic in a southerly direction.”*

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In relation to Draft Conditions 17 and 18, the applicant is of the opinion that the conditions are unfair and unreasonable and were based on objections raised by the owners of 7 Bay Street who have a pool in their rear yard. The applicant is of the opinion that the contentious balcony and window are well past the northern boundary of 7 Bay Street and as such, the visual privacy of the pool area would not be affected.

The applicant has advised that great lengths were taken in the design of the building to limit the number of windows in the eastern elevation and that the erection of privacy screens and modification to the dining room window would have no affect other than to limit view corridors to the ocean.

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**►► Comment:**

The privacy objectives of Council’s adopted Development Control Plan No. 1 – Residential Standards are designed to ensure the visual and acoustic privacy of the occupants of the development and nearby residents.

In this particular case, the rear first floor balcony area extends across the entire width of the building and the dining room window is large in terms of its glazed area. Both elements of the building are designed to maximise the view corridors to the ocean out over adjoining lands. In addition, the first floor unit has an open floor plan principally orientated to the north with extensive glazed areas to enhance the view corridors to the north/north east.

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Both the side of the balcony and dining room window, if unchanged, would be overlooking the pool and outdoor living space located on the adjoining land. The existing paling fence along the common boundary would offer limited screening and there is no existing vegetation which would provide an immediate and effective screen over the height of the fence.

The recommended conditions are designed to help secure the privacy of the adjoining land and are considered reasonable and justified given the circumstances of the case.

They are not distinctive to this application and have been imposed on a number of consents in the past where privacy issues have been raised and substantiated.

100 The erection of the privacy screens and adjustments recommended to the dining room window would not impact on the panoramic views to the north/north east and whilst it is desirable to promote opportunities in maximising view corridors in the design of buildings, it should not be at the expense of the visual privacy enjoyed by neighbouring properties.

In relation to Draft Condition 44(a) associated with converting East Lane from two way traffic to one way, the applicant is of the opinion that the associated costs should be apportioned between the land owners having access to East Lane.

►► **Comment:**

110 Council's engineering staff have advised that the conversion of East Lane to one way traffic was considered justified given the traffic generating potential of the proposed development and a second development proposal (DA 08.0749) involving the supermarket located at the corner of East Lane and Bega Street.

It is to be noted that DA 08.0749 is currently under assessment by Council staff and involves alterations and additions over the existing building to establish a 4 bedroom residence. Council's engineering staff in the assessment of the application have recommended the inclusion of the same condition in any subsequent consent covering the supermarket development.

120 The change in the function of the lane would be subject to an administrative Council process involving public notification and consultation and input from the Roads and Traffic Authority and NSW Police. The physical works involved would comprise the erection of 2 traffic advisory signs at each end of East Lane and road pavement markings.

An estimate of cost would be in the order of \$1,500. To apportion the cost on all land owners of property having direct access to East Lane is not considered reasonable or justified. It is the traffic generating potential of the proposed development and that associated with the supermarket development which impacts on the function and capacity of the lane. Accordingly, the costs should only be apportioned between those developments.

130 Given the circumstances of the case, Council should undertake all actions necessary to effect the change in the function of the lane and apportion the associated costs between the relevant land owners by issue of individual sundry debtor invoices. Payment should be prior to the issue of any subsequent occupation certificate for the respective developments.

## CONCLUSION

Council staff are of the opinion that the draft conditions are reasonable and justified given the circumstances of the case.

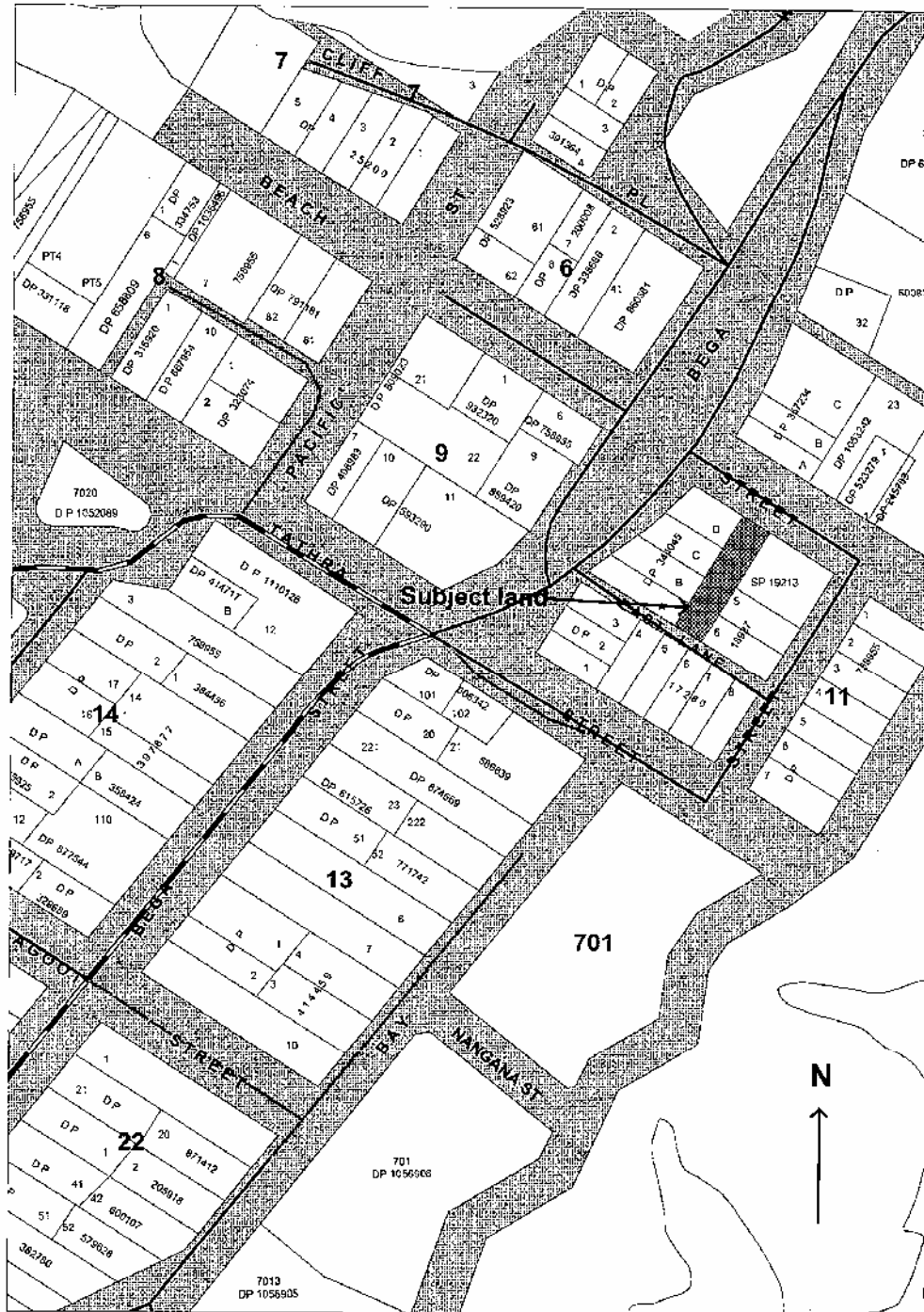
Since the Council meeting of 5 May 2009 draft condition 44(a) has been modified in order that the costs be equally shared by this proposed development and one other nearby development.

## RECOMMENDATION

- 140 1. That Development Application 2008.0416 for multi unit housing development and strata subdivision in two stages on Lot 2 DP18927, No. 2 Beach Street, Tathra be approved subject to the conditions outlined in the attached Draft Development Consent.
2. That those persons who made a submission be formally notified of Council's determination.
3. That Council initiate action to change the function of East Lane, Tathra to one way traffic only and that the associated costs be apportioned between the developers/owners of Lot 2 DP 18927, No. 2 Beach Street, Tathra and Lot 3 DP17280, No. 32 Bega Street, Tathra.
- 150 4. That the applicant for Development Application 2008.0749 also be advised of Council's resolution in respect to the change in traffic conditions in East Lane and Council's intent to apportion the associated costs between the owners/developers of Lot 2 DP18927, No. 2 Beach Street, Tathra and Lot 3 DP17280, No. 32 Bega Street, Tathra.

Appendix A – Locality Plan

Locality Plan



Lot 2 DP 18927 No.2 Beach Street Tathra



Bega Valley Shire Council

DA No. 2008.0416

R Bowden  
c/- Post Office Tathra  
TATHRA NSW 2550

## DRAFT

### NOTICE OF DETERMINATION

under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended).

The development application has been determined by granting consent under Clauses 8, 20, 27, 65, 66 and 85 of the *Bega Valley Local Environmental Plan 2002* subject to conditions.

APPLICANT	<b>R Bowden</b>
LAND	<b>Lot 2 DP 18927</b>
LOCATION	<b>2 Beach Street, Tathra</b>
ZONE	<b>2(a) Residential Low Density Zone</b>
PROPOSED DEVELOPMENT	<b>Multi unit housing development</b>

CLASSIFICATION(S) UNDER  
BUILDING CODE OF  
AUSTRALIA

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#### ADDRESS ALL CORRESPONDENCE TO:

PO Box 482  
Bega NSW 2550  
DX 4904  
ABN 26 987 935 332

Council Chambers  
Zingel Place, Bega

PHONE  
(02) 6499 2222  
FAX  
(02) 6499 2200

INFORMATION  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)  
EMAIL  
[council@begavalley.nsw.gov.au](mailto:council@begavalley.nsw.gov.au)

DETERMINATION MADE ON **2009**  
CONSENT TO OPERATE **2009**  
FROM  
CONSENT TO LAPSE ON **2014**

DEVELOPMENT CONSENT

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## Conditions of approval

### Stage 1 – erection of units 1 and 2

1. Development shall take place in accordance with the Approved Development Plan, the application form and any supporting documentation received with the application, except as may be amended in red on the attached plans and by the following conditions.
2. Prior to the issue of a Construction Certificate by the Principal Certifying Authority, a detailed colour and building materials schedule shall be submitted to and approved by Council. The schedule shall include:
  - a) External building finishes (including glazing treatments)
  - b) A colour palette (including colour samples)

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The development shall be finished in accordance with the approved schedule, prior to occupation.

3. The visual impact of the proposed driveway and parking areas shall be alleviated by the use of materials other than plain concrete or bitumen (e.g. brick paving, coloured concrete). Details of the driveway materials shall be submitted for approval by Council prior to issue of the Construction Certificate by the Principal Certifying Authority with the application for the Construction Certificate.
4. All roofing and building material shall be non-reflective. Details of proposed materials shall be submitted for approval by Council the Principal Certifying Authority with the application for the Construction Certificate.

Note: White surfaces are not considered to be satisfactory for this purpose.
5. The landscape concept as detailed on the submitted plans is satisfactory and is approved. All landscape works shall be completed prior to occupation and maintained at all times in accordance with the approved landscape plan.
6. No obstruction shall be caused to pedestrian and vehicular traffic during construction unless full details are supplied to and approved by the Director, Engineering Services.
7. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. A photograph indicating the current state of the footpath adjoining the development shall be submitted with the application for the Construction Certificate.
8. Construction work shall take place during normal working hours, namely 7am to 5pm, Mondays to Fridays and 8am to 1pm Saturdays (no work on Sundays or Public Holidays) and in a manner so as not to cause a nuisance (by the generation of unreasonable noise or other activity) to the owners and/or residents of adjoining and adjacent properties.
9. Details of the type and location of waste storage facilities shall be submitted to Council for approval prior to issue of the Construction Certificate by the Principal Certifying Authority.

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10. Clothes drying areas shall be provided and shall not be located forward of any building line, side boundary setback or forward of the alignment of any adjacent building. Drying areas shall be screened from all street frontages and adjacent properties. Details shall be submitted to Council for approval prior to issue of the Construction Certificate by the Principal Certifying Authority.
11. Payment to Council of the following contributions pursuant to Section 94 and Section 94B of the *Environmental Planning and Assessment Act* and the following Development Contributions Plans, prior to the release of the construction certificate:

- a) Section 94 Contributions Plan No.5 - Recreational Facilities and Public Reserves
- |                         |          |
|-------------------------|----------|
| Recreational facilities | \$720    |
| Allocation no           | 1679-010 |
- b) Section 94 Contributions Plan No.5 - Recreational Facilities and Public Reserves
- |                            |          |
|----------------------------|----------|
| Public reserve acquisition | \$5,450  |
| Allocation no              | 1500-011 |
- c) Section 94 Contributions Plan No. 2 – Car parking
- Payment for provision of public parking in the Bega town centre.
- |               |          |
|---------------|----------|
| Allocation no | 1688-009 |
|---------------|----------|
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The actual payment due will be calculated at the rate specified in Council's adopted Fees and Charges Schedule as at the time of payment. The payments listed in this condition are as at the date of issue of this consent.

12. Prior to the Construction Certificate, the developer shall apply for and obtain from Council a Compliance Certificate pursuant to the *Water Management Act, 2000*. (form attached)

Note:

In accordance with Section 306 of the *Water Management Act 2000* the payment of a contribution is required. The actual payment due will be calculated at the rate specified in Council's adopted Fees and Charges Schedule as at the time of applying for a Compliance Certificate. The payments listed below are as at the date of issue of this consent. This condition also acts as a notice given under the *Water Management Act 2000*.

Copies of the current plan(s) can be viewed at Council offices or on the internet at [www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au).

- a) Payment of a contribution of:  
to Council's Water Headworks Fund
- |               |           |
|---------------|-----------|
| Allocation no | 80161-001 |
|---------------|-----------|
- b) Payment of a contribution of:  
to Council's Sewer Headworks Fund
- |               |           |
|---------------|-----------|
| Allocation no | 90161-005 |
|---------------|-----------|

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13. All onsite car parking and associated driveways shall be constructed to a suitably drained waterproof and dustproof surface and clearly defined or linemarked in accordance with the Approved Development Plans and Council's adopted Development Control Plan 7: Parking.

Engineering design plans for the car parking, loading / unloading areas and their associated driveways shall be prepared and certified by a chartered professional engineer and submitted to Council prior to the issue of any subsequent Construction Certificate.

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14. All works required in the construction of any on-site car parking, loading/unloading areas and their associated driveways shall be undertaken and completed in accordance with the certified engineering design plans required by condition 13. On completion, the works are to be certified by a chartered professional engineer. Documentation to this effect shall be submitted to Council prior to the issue of the occupation certificate for the development.
15. The developer's attention is drawn to the requirements of the *National Parks and Wildlife Act* with respect to the conservation of Aboriginal archaeology.
- As a landowner and/or developer you have a responsibility to not disturb or destroy any such item. Should you become aware of the existence of an item during the construction of this development you are required to comply with the *National Parks and Wildlife Act* and contact Council or the National Parks and Wildlife Service immediately for guidance in the conservation or collection of the item(s).
- Note: In this respect it is recommended that representatives from the relevant Local Aboriginal Land Council are present during the initial stages of site disturbance.
16. An Aboriginal monitor representing the Bega Local Aboriginal Land Council shall be present onsite during site excavation works. In the event that a significant Aboriginal site is detected, all works must cease and advice sought from the Department of Environment and Climate Change to ensure the sites integrity.
17. A 1700mm high privacy screen shall be erected on the eastern edges of the rear balcony to unit 1 so as to help ensure the privacy of adjoining lands.
18. The dining room window located in the eastern elevation to unit 1 shall be deleted or respecified and located so as to help ensure the privacy of adjoining lands.
19. The visitor car parking space adjacent the eastern boundary of the land shall be designated for the sole use of the occupants of unit 2. The car parking space and its associated driveway area shall be constructed using a 'Grasscrete' or similar paving solution. Details are to be submitted to Council for endorsement with the Construction Certificate application.
20. One visitor car parking space shall be designated onsite to the satisfaction of Council. Details are to be submitted to Council for endorsement prior to the issue of any subsequent Construction Certificate. The car parking space shall be located within the common property of any subsequent strata plan or encumbered by suitable easement to ensure its availability at all times to visitors of the development.

**Building**

21. i) CLOSET ACCOMMODATION for workmen to be provided BEFORE building work commences pursuant to Section 79C of the Environmental Planning and Assessment Act.

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- ii) The Builder must at all times maintain on the job, a legible copy of the plans and specifications bearing the stamp and Development Consent of Council.
- iii) Construction work shall be confined to normal working hours, mainly 7am to 5pm Mondays to Fridays and 8am to 1pm Saturdays (no work on Sundays or Public Holidays)
- iv) Where Council is the PCA a minimum of TWO WORKING DAYS NOTICE shall be given by the Builder to PCA to enable inspections to be carried out at each of the following steps where applicable: -
  - Pier holes before concrete is poured
  - Steel reinforcement for footings, slabs or other structural concrete components prior to placement of concrete
  - Bearers and joists, and damp courses before the floor is laid
  - When wall and roof framing is erected, bracing and tie downs is in place.
  - Flashing of wet areas prior to lining or tiling of these areas (viz: bathrooms, en-suites, laundries and water closets).
  - When the building is completed and ready for approval to occupy
  - Storm water drainage under hydrostatic test and prior to backfill inspections
  - At any other stage during construction deemed as being required by the Principal Certifying Authority.

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- It should be noted that if work that needed a mandatory critical stage inspection was covered without the inspection taking place, then the **only way to enable the issuing of an occupation certificate maybe for the builder to uncover the work** so that the required inspection can take place.
  - Approval shall be obtained from the PCA at each inspection stage prior to further works proceeding.
- v) A minimum of TWO WORKING DAYS NOTICE shall be given by the Builder to Council to enable inspections to be carried out at each of the following steps where applicable: -
    - a) When sanitary drainage is laid ready for test.
    - b) Prior to backfilling of land application areas.
    - c) Prior to commissioning of systems of on-site sewage management before occupation of the premises.
- NOTE:**  
Approval shall be obtained from Council at each inspection stage prior to further works proceeding.
- vi) It is the owner's responsibility to ensure that the building is located on the correct block of land is located free of any easements/services and satisfies the necessary setbacks as specified by Council's Codes for Local Government Legislation.
  - vii) Signs to be provided at the front of the property or in a prominent location **PRIOR** to the first inspection: -

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- Owner's name, lot number and street number
  - A rural address number is to be provided at the entrance of a property (eg. affixed to an entrance gate)
  - Signage to clearly identify the Principal Certifying Authority (PCA) and contact number
  - That unauthorised entry to the work site is prohibited; and
  - The Principal Contractor (the coordinator of the building work).
22. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
23. The construction of driveways shall comply with the requirements of Council's Engineering Services Plan No.'s 1691, 1692 or 2111 (copy attached), and the relevant inspections called for.
24. The following are required in reference to the proposed termite management system:
- a) Certificates of installations for the termite prevention systems installed shall be submitted to Council prior to the occupation of the building.
  - b) A durable notice shall be permanently fixed to the building in a prominent location such as a meter box or the like, indicating:
    - i) the method of protection; and
    - ii) the date of installation of the system; and
    - iii) where a chemical barrier is used in conjunction with physical measures, its life expectancy listed on the National Registration Authority label; and
    - iv) the need to maintain and inspect the system on a regular basis.
25. Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the PCA that they have complied with the applicable requirements of Part 6 of the Act.
26. Class 1a dwelling and additions. An automatic fire detection and alarm system designed to ensure the occupants of a building are given adequate warning so that they can evacuate the building in an emergency must be installed and shall comply with the following: -
- a) Smoke alarms installed in accordance with AS3786; and
  - b) Smoke alarms must be connected to consumer main power where consumer power is supplied to the building; and
  - c) Installed in suitable locations on or near the ceiling in: -
    - (i) Any storey contained bedrooms: -
      - i. In a Class 1a dwelling: -
      - ii. Between each area containing the remainder of the dwelling, including any hallway associated with the bedrooms.
    - (ii) Any storey not containing bedrooms

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- (iii) In areas between the natural ground and the floor or ceiling above, designed for the accommodation of motor vehicles and non habitable rooms; and

Upon completion a licensed electrician shall certify the installation.

- d) Where it is proposed to extend or alter an existing dwelling smoke alarms shall be installed throughout the existing part of the dwelling in accordance with these requirements.
  - e) Inter-connected where there is more than one alarm, so the sounding of an alarm in one detector will activate the alarm in all detectors.
27. Prior to the issue of an occupation certificate for the development, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:
- (a) relevant BASIX Certificate means a BASIX Certificate that was applicable to the development when this development consent was granted (or, if this development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); and
  - (b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

Note: The commitments contained within the relevant basix certificate shall be maintained over the life cycle of the development

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- 28. A certificate is to be submitted to the PCA that the glazing provided to the building complies with the AS2047-1999 "Windows in Buildings – Selection and Installation".
- 29. A survey Certificate is to be submitted to the PCA on completion of floor slab formwork **before** the concrete is poured. No further work is to be carried out until position of building on site has been approved.
- 30. Details of **steel beams** and/or lintels to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
- 31. Details of **reinforced concrete footings** to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
- 32. Details of **reinforced concrete slab floors** to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
- 33. Details of **reinforced concrete suspended floors** to be submitted by a practicing and qualified Structural Engineer and to be approved by the PCA.
- 34. Details of **timber beams** to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
- 35. Details of **columns and bracing prior to erection of same** to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
- 36. Roof storm water is to be disposed of to the satisfaction of the PCA.
- 37. An isolation cock is to be provided to the water service for each unit in a readily accessible and easily identifiable position.

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An approved temperature-limiting device shall be installed in accordance with the NSW code of practice for plumbing and drainage and AB 3500 (hot water supply system). Upon completion of the installation a licensed plumber shall certify that the temperature-limiting device has been installed in accordance with the standard.

38. The floors of wet areas shall be of an approved impervious material, properly graded and drained. The junctions of the floors with the walls shall be so treated as to prevent the penetration of moisture into the walls.
39. Manufacturer's Validation Certificate for roof trusses to be submitted to the PCA prior to erection.
40. A separate application to obtain approval to connect to council's sewerage system under Section 68 of the Local Government Act 1993 must be submitted to Council for approval. A plumbing and drainage design plan is to be submitted with the application (copy attached) to Council.
41. A **Construction Certificate** must be obtained from Council or an Accredited Certifier prior to work commencing. A construction certificate certifies that the provisions of Clauses 79A-79H of the Environmental Planning and Assessment Amendment Regulations, 1998 have been satisfied, including compliance with the Building Code of Australia and conditions of Development Consent.
42. A final **Occupation Certificate** must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1997 have been satisfied.

**Engineering**

43. **Conditions to be satisfied prior to Engineering Construction Certificate**  
The following matters shall be completed prior to the endorsement of a Construction Certificate for any part of this development:

- a) approval of **detailed construction plans and specifications** for access water sewerage and drainage works by Council's Director of Engineering Services or his delegate.

These works shall be designed and specified in conformity to the standards set out in Council's Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for construction works, DCP No.2) as current at the date of approval, and sound engineering practice.

These detailed construction plans must include all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from these works, both during and after the construction period, will not result in erosion, sedimentation or pollution of any land or water. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

(Reason: to ensure that the development is compatible with the design of the specified works and to specify technical standards.)

- b) No work shall be carried out within three metres of or adjacent to **Beach Street and East Lane**, the carriageway of a public road subject to motor vehicle traffic until Council has approved a satisfactory Traffic Control Plan relating to that work, and the Roads and Traffic Authority has approved any associated Road

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works Speed Limit. (RTA APPROVAL FOR DTR SPEEDLIMITS APPLIES TO ALL ROADS AND STATE HIGHWAYS)

The Traffic Control Plan shall be prepared by a person who is authorised by the Roads and Traffic Authority to prepare these plans. The Traffic Control Plan must bear the name, signature and Traffic Control at Worksites Certificate Number of the person who prepared it.

All measures described in the Traffic Control Plan shall be implemented and maintained for the duration of any work within or adjacent to the road carriageway.

(Reason: so that work on public roads is performed safely.)

- c) **lodgement of security with Council** in an amount of \$5000 as security for remedying any defects in any public work required in connection with this consent (such as road work, kerbing and guttering, footway construction, stormwater drainage, water supply and sewerage works and environmental controls) that arise within six months after the works are completed, and for making good any damage caused to Council property as a consequence of the doing of anything to which the consent relates.

The security lodged with Council shall be either in money or unconditional bank guarantee in a form acceptable to Council.

The funds realised from this security may be paid out by Council to meet any costs referred to in this condition. A Bond Administration Fee may be payable to Council.

This condition is authorised by Section 80A(6)-(10) of the Environmental Planning and Assessment Act 1979.

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(Reason: to ensure that public works are in satisfactory condition when transferred to Council and that any damage to Council property is remedied.)

- d) **Qualifications and insurance of engineering designers (Public Works)**  
All public works (such as road work, kerbing and guttering, footway construction, stormwater drainage, water supply and sewerage works and environmental controls) shall be designed by persons holding suitable qualifications for the design of works of this type and current professional indemnity insurance.

(Reason: to ensure appropriate professional standards.)

- e) **Contractor's insurance (Public Works)**  
Each contractor engaged in the construction of public works (such as road work, kerbing and guttering, footway construction, stormwater drainage, water supply and sewerage works and environmental controls) must hold current public liability insurance for an amount of not less than \$10,000,000.00 suitably endorsed to note the contractor and Council for their respective rights and interests.

Prior to the commencement of the construction of these public works Council must be provided with evidence of the currency of this insurance.

(Reason: to ensure that contractors hold suitable public liability insurance.)

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**44. Conditions to be satisfied prior to occupation subject to Council acceptance.**

The following matters shall be completed prior to the occupation of any part of this development:

These works shall be designed and constructed in conformity with Council's Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for construction works) as current at the date of the approval of construction plans, and sound engineering practice:

One or more Compliance Certificates must evidence the satisfactory completion of these works. See below.

- a) The applicant/developer shall be responsible for meeting fifty percent of the costs associated with the provision of all signage and line marking to change East Lane from two way traffic to one way traffic. The payment of the above monies shall be paid to Council within one month of the above works being completed.

(Reason: To allow safe access and egress and to reduce the traffic conflict and congestion in East Lane.)

- b) construction of concrete **footpath crossover** serving lot 2 (for Units 1&2) between edge of the existing seal in East Lane and the lot boundary, in conformity with Council's standard drawings 1691 and 1692. Kerb & Gutter component not required.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- c) construction of a **heavy duty driveway** for the access to units 1 & 2 to include the following:

- concrete pavement not less than 6.0 metres wide,
- minimum concrete thickness 150mm,
- minimum concrete strength grade 20Mpa,
- minimum reinforcement F72 steel mesh,
- **or equivalent asphaltic concrete, road seal surface treatment, and**
- suitable stormwater drainage.

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Driveway must be designed and constructed to provide practical vehicle access to the garages and the visitor parking space and allow for "forward in forward out" vehicle movement to East Lane. Any services located within a 3 metre width of access are required to be trafficable by urban traffic.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- d) construction of **concrete or bitumen sealed vehicular entrance** serving lot 2 (access to existing dwelling) in conformity with Council's standard drawing 2111. The entrance is to be sealed from the edge of the existing Beach Street road seal to the property boundary.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

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- e) maintenance of **existing stormwater drainage pipe** and drainage swale as necessary to convey stormwater flows **downstream** of the development.
- (Reason: to provide for the drainage of the development, to protect public and private assets from potential damage and to minimize the environmental impacts of this development.)
- f) construction of all **water supply reticulation** works and associated facilities to service this development. Any design shall be in accordance with Council's Development Design Specification D11 and any construction to be carried out in accordance with Council's Development Construction Specification C401 – Water Reticulation. **For detailed conditions see WASS conditions.**
- (Reason: to provide appropriate water servicing for of each lot.)
- g) construction of all **sewerage reticulation** works and associated facilities to service this development. Any design shall be in accordance with Council's Development Design Specification D12 and any construction to be carried out in accordance with Council's Development Construction Specification C402 – Sewerage System. **For detailed conditions see WASS conditions.**
- (Reason: to provide appropriate sewerage servicing for of each lot.)
- h) Compliance Certificate(s) in relation to the **inspection and testing of all public works** associated with this consent (such as road work, kerbing and guttering, footway construction, stormwater drainage, water supply and sewerage works and environmental controls) must be obtained either from Council or from an Accredited Certifier to demonstrate that these works have been completed.

These public works must be inspected and tested either by Council's inspector, or by an Accredited Certifier at each of the following stages of construction to confirm compliance with the standards set out in the approved plans and specifications. Any inspection and testing performed by Accredited Certifiers shall be documented by Compliance Certificate(s) for those parts of the public work.

- after placement of all signs in accordance with the approved Traffic Control Plan.
- after stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage.
- After placement of water service conduits prior to backfilling.
- Prior to the application of bitumen seal or asphaltic concrete or the pouring of the concrete wearing surface.
- After laying and jointing of all stormwater pipelines prior to backfilling.
- After laying and jointing of all water supply pipelines prior to backfilling.
- After laying and jointing of all sewerage pipelines prior to backfilling.
- During pressure testing of all water supply pipelines.
- During pressure testing of all sewerage pipelines.
- During testing of all sewer manholes.
- After completion of works.
- As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

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It should be noted that Council charges fees for inspections and Compliance Certificates. These fees must be paid prior to the endorsement of a Final Occupation Certificate.

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(Reason: to demonstrate that subdivision works are completed in conformity with development consent conditions and to appropriate technical standards).

- i) **Works as executed plans for all public works** associated with this consent (such as footway crossing construction, stormwater drainage, water supply and sewerage works and environmental controls) shall be provided to the Council, to the satisfaction of Council's Director of Engineering Services or his delegate. The works as executed plans shall comprise one complete copy of the approved plans for the public works, clearly marked up to show all variations of the completed works from the approved design in regard to alignment, levels and other details of the works. These plans must show the location and depth of any filling placed on any lot. Works-as-executed plans must be prepared and certified by a Registered Surveyor or Chartered Professional Engineer as a complete and accurate record of the subdivision work.

A complete record of all public works for this development shall also be provided to Council in an electronic format suitable for inclusion in Council's Geographic Information System.

\* Councils preferred format for the electronic data is AutoCAD DWG or DXF files in a locally used grid projection. i.e. MGA94 or AMG66. Data will need to be resupplied if coordinates are not valid for the surveyed area. Data will be also need to be resupplied if provided using "paper space" coordinates.

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(Reason: To ensure that Council holds complete records of civil engineering works being transferred to Council ownership).

45. **Conditions to be satisfied prior to occupation subject to engineer's certification.**

The following matters shall be completed prior to the occupation any part of this development: The satisfactory completion of these works must be evidenced to Council by certification from a suitably qualified and experienced Chartered Professional Engineer (NPER 3 registered) confirming that the works identified in this condition satisfy the specified performance and acceptance criteria, and recognised good engineering practice.

- a) construction of **stormwater drainage** works as necessary to convey runoff from roof and paved areas of the development to Council controlled drainage system in Beach Street. Any design shall be in accordance with Council's Development Design Specification, Stormwater Drainage Design D5.

(Reason: to provide for the drainage of the development, to protect public and private assets from potential damage and to minimize the environmental impacts of this development.)

- b) construction of **stormwater drainage works** as necessary to **limit the peak stormwater discharge** from the development to not exceed calculated flow rates for this site in an undeveloped state for rainfall events of up to a 1 in 5 year average recurrence interval. Any design shall be in accordance with Council's Development Design Specification D5, Stormwater Drainage Design, clause D5.15 – Retarding Basins.

(Reason: to provide for the drainage of the development, to protect public and private assets from potential damage and to minimize the environmental impacts of this development.)

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- c) construction and maintenance of all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from this development site, both during and after the construction period, is similar to the quality of stormwater runoff from the site in an undeveloped state. These works shall be documented in a site specific Soil and Water Management Plan. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

Note: The responsibility for the maintenance of all works constructed for the purpose of controlling stormwater quality shall remain with the developer until the Council authorizes the removal of temporary works.

(Reason: to minimize the environmental impacts of this development.)

**Water and Sewerage Services**

*Water*

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1. An existing water service currently serves the existing residential dwelling, this existing metered water service may not be suitably sized for the proposed full development and as such a single bulk metered service shall be sized by a qualified person and is subject to application. The qualified person shall undertake calculation as required by the current AS 3500 and the New South Wales Code of Practice - Plumbing and Drainage and certified as true, correct and satisfactory to serve the proposed development. This certification shall be lodged with Council prior to making application for the metered service.

Note: If in the future this property is either strata or becomes subdivided, upon subsequent application and if approved, the applicant/developer will be required to extend Council's water main along East Lane and each dwelling will be required to have individual water service. If this option is to be pursued it maybe in the best interest that these services are constructed as part of this development.

*Sewer*

2. An existing sewer junction currently serves the existing residential dwelling, this existing sewer junction shall be utilised for the proposed full development.

Note: If in the future this property is either strata or becomes subdivided, upon subsequent application and if approved, the applicant/developer will be required to extend Council's reticulated sewer main into each lot with individual sewer junction for each lot. If this option is to be pursued it maybe in the best interest that these services are constructed as part of this development.

**Additional notes:**

- A. All works are to be at the developer's expense.
- B. Contributions/fees/charges payable will be those **applicable at the time of payment.**

**Stage 2 – strata subdivision**

46. The strata plan shall conform to the enclosed Approved Development Plan with respect to the size and shape of allotments, common property, required easements and access.
47. The strata plan of subdivision shall be submitted to Council for certification pursuant to the provisions of the Strata Schemes (Freehold Development) Act 1973. Council's current fee for the certification of the strata plan of subdivision as at the date of this Consent is \$450.

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48. As part of any subsequent subdivision certificate application, the applicant shall submit to Council documentary evidence / compliance certificate to confirm compliance with all conditions of this Consent.
49. To ensure appropriate definition of the allotment, the following house numbering is recommended for the proposed lots:
  - Lot 1, Unit 1/3 East Lane Tathra
  - Lot 2, Unit 2/3 East Lane Tathra
50. The designated onsite boat parking space shall be located within the common property of the strata plan or encumbered by suitable easement to ensure its availability to the residents of the development.

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies
- *Section 94 Development Contribution Plan and Tree Preservation Order.*

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**Notes:**

1. If you do not agree with this determination you can apply to Council for a review under Section 82A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).  
  
An application for review must be made within one year from the date of this notice, and must be accompanied by the prescribed fee. This provision does not apply to designated development or integrated development. (Please contact Council for details).
2. If you are dissatisfied with Council's determination, you can appeal to the Land and Environment Court under Section 97 of the EP&A Act 1979 within 12 months from the date of this notice.
3. Before you start any building or subdivision works you must obtain a Construction Certificate from Council or an accredited certifier.
4. It is an offence under the *National Parks and Wildlife Act 1974* to destroy, deface or damage an Aboriginal relic. If during works on site any Aboriginal relic is discovered then you should immediately stop work and contact representatives of the National Parks and Wildlife Service and the Local Aboriginal Land Council.
5. The *Native Vegetation Act 2003* requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. It is the proponent's responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority.

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6. It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

Rob Slapp  
Development Control Planner

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FOR BEGA VALLEY SHIRE COUNCIL