

MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT ARMIDALE-DUMARESQ COUNCIL ON THURSDAY 10TH FEBRUARY 2011 AT 2:30 PM

PRESENT:

Garry West	Chair
Pamela Westing	Member
John Griffin	Member
Cr Jim Maher	Member
Paul McFarland	Member

IN ATTENDANCE

Paula Poon	Director Panel Secretariat, JRPP
Stephen Gow	Director Planning and Environmental Services, ADC
John Goodall	Planner, ADC
Regina Hooper	Personal Assistant, ADC (Minute Taker)
Terry Green	Manager Property Section, Roads and Traffic Authority
Aurora Moroney	Acting Manager Property Strategy, RTA
Robert McFarland	Senior Property Officer, RTA Grafton

APOLOGY:

1. The meeting commenced at 2.07 pm. The Chair welcomed everyone to the meeting of the Northern Region Joint Regional Planning Panel.
2. **Declarations of Interest**
Nil.
3. **Business Item**

ITEM 1 2011NTH001 – Armidale Dumaresq – DA 25-2010 – Erection of a single dwelling, 12718 New England Highway, Black Mountain

4. Public Submission

John Goodall, Steve Gow , ADC	Outlined Council's position on the item
Terry Green, Aurora Moroney, Robert McFarland, RTA (Applicant)	Addressed the panel in favour of the item

5. Business Item Recommendation

ITEM 1 2011NTH001 – Armidale Dumaresq – DA 25-2010 – Erection of a single dwelling, 12718 New England Highway, Black Mountain

Moved Pamela Westing seconded John Griffin: **(Only applies to parts (A) and (B) – part (C) was excluded from the motion)**

That the Panel adopt the Panel Secretariat's recommendation to:

- (A) **consider** all relevant matters prescribed under the *Environmental Planning and Assessment Act 1979*, as contained in the findings and recommendations of this report;
- (B) **approve** the development application, subject to the amended conditions set out in Schedule 1 as contained in attachment A below, pursuant to section 80(1)(a) and section 89 of the *Environmental Planning and Assessment Act 1979*, having considered all relevant matters in accordance with (A) above.

MOTION CARRIED *UNANIMOUSLY*****

The meeting concluded at 3.29 pm.

Endorsed by

A handwritten signature in blue ink that reads "Garry West". The signature is written in a cursive, flowing style.

Garry West
Chair, Northern Region Joint Regional Planning Panel
14 February 2011

ATTACHMENT A

Schedule 1

CONDITIONS ATTACHED TO DEVELOPMENT CONSENT NO. DA-25-2010

Please read all conditions carefully. The applicant/developer may arrange to meet with Council to review and clarify, if necessary, the precise requirements of the conditions of this consent.

Note: A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.

PART A – DEFERRED COMMENCEMENT CONDITIONS

The following matters are to be addressed/satisfied before this Consent may operate for the purposes of Section 80(3) of the Environmental Planning and Assessment Act 1979, as amended:

- D1: That having regard to the proposed location of the new vehicular access to Lot 13 DP 263967, which will be required across the existing Travelling Stock Route (TSR), legally known as Lot 7020 DP 1056983, as per the approved Plan, drawn by Natural Matters Design, Project No. 4207, Drawing No. A-101 and dated 3/2/10, the Applicant is to seek approval from the relevant authority (including the Livestock Health and Pest Authority (LHPA) and the Land and Property Management Authority (LPMA)) for the use and construction of an access across the TSR to the subject site from Thunderbolts Cave Road. A copy of the approval be submitted to council for record purposes.
- D2: A written confirmation from the LHPA and LPMA the permission to construct and use the access has been notated in their spatial system is provided to Armidale Dumaresq Council for record purposes.

It is noted that the LHPA has issued the following conditions for the right of access:

1. All works that are carried out will be at the cost of the owner of the lane.
2. Gates and supporting structures (strainers etc.) must meet Authority specifications or, if a grid is installed, Armidale Dumaresq Council specifications.
3. Grid or gate and supporting structures must be continuously maintained at the cost of the owner of the lane.
4. The continuous maintenance is to be transferred to any subsequent owners and the liability must be disclosed at the time of any future transfers of the relevant land.
5. Approval for access may be withdrawn if maintenance is not to a satisfactory standard.

PART B – OTHER CONDITIONS

The following conditions must be complied with once the Development Consent becomes operative:

PRESCRIBED CONDITIONS

The following conditions are prescribed in relation to this development consent:

Fulfillment of BASIX commitments

Fulfillment of the commitments listed in each relevant BASIX certificate for the development is a prescribed condition of this development.

Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (1) The following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

Erection of signs

- (1) For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.

- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

GENERAL CONDITIONS

1. Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

At the commencement of building works and in perpetuity, the property around the building shall be managed as follows as outlined within section 4.1.3 and appendix 5 of '*Planning for Bush Fire Protection 2006*' and the NSW Rural Fire Service's document '*Standards for asset protection zones*'.

- north for a distance of 38 metres as an asset protection zone;
- east for a distance of 20 metres as an asset protection zone;
- south for a distance of 9 metres as an asset protection zone; and
- west for a distance of 20 metres as an asset protection zone.

(Note: in forested areas a portion of the APZ may be maintained as an outer protection zone as specified in Table A2.7 of Planning for Bush Fire Protection 2006'.)

2. Design and Construction:

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

- New construction shall comply with Australian Standard AS3959-1999 '*Construction of buildings in bush fire-prone areas*' Level 3.
- All new fencing shall be non-combustible.
- There is to be no exposed timber on the northern elevation of the proposed building.
- All glazing on the northern elevation shall be capable of withstanding up to 40kW/m² of radiant heat flux loading.

3. The development must take place in accordance with the approved plans (bearing the Armidale Dumaresq Council approval stamp dated 6/5/10) and documents submitted with the application, including plans drawn by Natural Matters Design, Project Number: 4207, Drawings numbered A-101, A-102, A-103, A-104, A-201, A401 & A-501 and dated 3/2/2010, and subject to the conditions in this notice, to ensure the development is consistent with Council's consent.
4. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
5. Approved tree removal should be carried out by an appropriately qualified person (e.g. tree surgeon) to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.
6. All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer.

7. In the event that Aboriginal artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS – part of the Department of Environment and Conservation) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

BEFORE RELEASE OF CONSTRUCTION CERTIFICATE

8. The plans accompanying the Construction Certificate are to demonstrate compliance with the Building Code of Australia for the class 1a building, specifically:
 1. Details of proposed rammed earth walls, detailing how the walls will meet the requirements of the Building Code of Australia. Details will also need to show structural components, tie downs, and how the walls are to be constructed.
 2. Structural details for footings, floor slabs and structural wall members.
 3. Plans and specification to show compliance with N.S.W Rural Fire Service report.

Amended plans are to be submitted to the Principal Certifying Authority for authentication of BCA compliance and issue of a Construction Certificate.

Note- Should the external configuration of the building be modified as a result of achieving BCA compliance, the plans accompanying this development consent must also be modified.

9. Details of materials and finishes, including colours, are to be submitted for the approval of the relevant Certifying Authority, before the release of the Construction Certificate, to ensure that the building is visually compatible with the rural character and landscape of the locality. In this regard, the external appearance of the building and ancillary structures, should be non-reflective and of natural colours (such as greys, greens and browns) that blend with the colours of the surrounding land and vegetation. Zincalume, white or silver coloured materials are not to be used as external materials/colours for buildings and other structures, including above ground water storage tanks.
10. Written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of a telecommunications and electricity services, are to be submitted before the issue of a Construction Certificate.
11. Internal access design and construction is to ensure the retention of as many existing trees as possible. All trees proposed to be removed are to be clearly identified by survey and shown on detailed construction plans to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate for the development.

All trees to be retained are to be appropriately marked and protected during construction works and no buildings constructed or utility service mains installed within 3 metres of the trunks of these trees so as not to prejudice their future retention.

12. For all construction work required on Council land (eg. Stormwater, footpaths, kerb and gutter etc.), the Applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority, which will incorporate seeking any necessary approvals for work in road reserves under the Roads Act 1993. The Application must be approved prior to the issue of a Construction Certificate, to ensure pedestrian and vehicular safety during construction.

BEFORE WORKS COMMENCE

13. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cls 103, 103A and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is to be given using the form enclosed with this consent.
14. A Construction Certificate must be obtained before work commences, in accordance with cl.146 of the Environmental Planning and Assessment Regulation 2000.
15. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - divert contaminated run-off away from disturbed areas,
 - erect silt fencing along the downhill side of the property boundary,
 - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
 - stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.
16. Should Council be appointed the Principal Certifying Authority, the Applicant must give at least 2 days' notice to enable the following inspections to be undertaken where appropriate for the class of building:
 - before the pouring of footings**
 - before covering drainage (under hydrostatic test)
 - before pouring any reinforced concrete structure, such as a slab-on-ground, suspended slab, or driveway **
 - before covering the framework for any wall, roof or other building element **
 - before covering waterproofing in any wet area**
 - before covering any stormwater drainage connections**
 - when the building work is completed and before the issue of an occupation certificate**

** denotes a critical stage inspection (a mandatory inspection pursuant to Section 109E of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a development where a critical stage or other nominated inspection has not been carried out.
17. The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established, to provide an aesthetically pleasing development within the streetscape.

DURING CONSTRUCTION

18. Access:

The intent of measures for property access is to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- Property access roads shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006.

19. The development must be carried out in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

20. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

21. Construction of an internal all-weather access road from Thunderbolts Cave Road to the dwelling is to be undertaken in order to minimise soil erosion with suitable profiling and drainage to reduce surface water run off volumes and velocity with relation to the slope of the land.

The intersection of the access to the land with the public road is to be located such that a 100 kilometre per hour safe intersection sight distance requirement is satisfied in both approach directions.

A vehicular entrance must be provided in accordance with Council's standards, incorporating a 375 mm diameter stormwater pipe and concrete headwalls and minimum 150mm road base. Alternately where sufficient depth is not available, a 6m long by 1.5m wide reinforced concrete slab dish drain shall be constructed to provide access to the property. Where the property entrance abuts a sealed road, the driveway between the edge of the existing seal and the property boundary shall also be sealed with a minimum 2 coat bitumen or emulsion seal.

All Engineering works to be designed by a competent person e.g. Professional Engineer and carried out in accordance with Councils Engineering Code (POL 119), unless otherwise indicated, to ensure that these works are of a sustainable and safe standard.

22. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798-1990 *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:

- identify the source of the fill and certify that it is free from contamination; and
- classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1.

23. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.

24. Roof and surface stormwater from paved and impervious areas is to be collected and directed away from any buildings and on-site waste water management system, to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately after the roof and guttering is installed.

25. The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of

the locality. No audible building work is permitted on Sundays and Public Holidays. Written prior arrangement with Council is required for building work to take place outside these hours. Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.

26. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.

BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED

27. Provision of not less than 90,000 litres of domestic water storage. However, where the property has an additional permanent water source or storage, e.g. dams, bores, streams or swimming pool, not less than 45,000 litres of domestic water storage will be required.

Although not specifically required by Council, it is recommended that landowners consider providing a greater storage capacity where an additional water source or storage is not available.

In recognition that no reticulated water supply exists, the minimum quantities of water storage required above, are to include at least 20,000 litres reserved for fire fighting purposes. A suitable connection for Rural Fire Service purposes must be made available. In general a 65mm Storz outlet with a Gate or Ball valve shall be provided. Underground tanks with an access hole of 200mm will allow bushfire fighting tankers to refill direct from the tank. Any underground tanks shall be fitted with a childproof access hole of 200mm x 200mm will allow bushfire fighting tankers to refill direct from the tank.

Tanks and associated fittings on the hazard side of the building shall be provided with adequate shielding to mitigate the impact of flame contact and radiant heat and provide safe access for firefighters.

28. An Occupation Certificate must be obtained before the approved use commences, in accordance with the EP&A Act and to ensure the health and safety of the building's occupants.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in 109M and 109N; i.e. crown projects, Class 1a and 10 buildings or as detailed for certain temporary structures).

29. The property number shall be clearly and permanently displayed on or adjacent to the road frontage to identify the premises to the public and to essential/emergency services. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed.

OPERATIONAL MATTERS

30. **Landscaping:**

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

31. **Utilities:**

The intent of measures is to locate gas and electricity so as not to contribute to the risk of fire to a building.

- Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2002: '*The storage and handling of LP gas*' and the requirements of relevant authorities. Metal piping is to be used.
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
- Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.
- Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

32. Provision and maintenance of the required Asset Protection Zones (APZs) around the dwelling as specified in condition 1 of this Consent for the life of the development. Maintenance of the bush fire fuel hazard reduction zone around this area must include:
- ensuring ground-level fire fuel is kept to a minimum,
 - ensuring that the surrounding vegetation canopy is discontinuous and does not provide a path for transfer of fire to the dwelling,
 - trees and shrubs being maintained regularly to ensure they:
 - do not touch or overhang the building, are well spread out and do not form a continuous canopy,
 - are located far enough away from the house so that they will not ignite the house by direct flame contact or radiant heat emission,
 - are not species that retain dead material or deposit excessive quantities of ground fuel in a short period or in a danger period.

The current NSW *Planning for Bushfire Protection Guidelines* are available via Council's Customer Service Centre.

33. In recognition that koala food trees are known to be present on the subject site and adjoining the site within the TSR, the area is considered to be potential koala habitat with evidence of their presence in the area identified. As such, any domestic dogs retained at the property are to be contained within the immediate house yard, with a suitable dog-proof fence erected around the perimeter. Dog(s) are only allowed on the wider property during daylight hours and under the owner's direct control and supervision, to reduce the potential for any dog attacks on koalas using or moving through the site.

ADVICE

All building work must be carried out in the following manner to ensure compliance with the Building Code of Australia (Housing Provisions):

- The timber primary building elements of the building are to be protected from subterranean termites in accordance with AS 3660.1, and a durable notice must be permanently fixed to the building in a prominent position (eg. inside the electricity meter box) indicating:
 - method of protection,
 - date of installation of system,

- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label, and
- the maintenance requirements of the system.
- An approved polythene moisture barrier is to be provided to the underside of the concrete floor slab to prevent external moisture entering the building.
- Footings and floor slabs to be constructed in accordance with the requirements of AS 2870 - Residential Slabs and Footings, to ensure the structural integrity of the building.
- Sub-floor ventilation is to be provided as detailed in part 3.4.1.2 of the BCA (copy available on request) to prevent moisture damage to structural elements of the building, and to assist in the prevention of termite attack.
- Timber framing to comply with the requirements of AS 1684 - Timber Framing Code, to ensure structural integrity of the building. The frame is to be adequately braced and 'tied-down' to the footings to prevent movement of the structure by wind forces.
- Brickwork to be constructed in accordance with AS 3700 "Masonry Code", to ensure structural integrity of the building.
- Wet areas to be finished with an impervious floor surface, and care taken to seal floor/wall junctions adequately, to protect the structure of the building and to maintain the amenity of the occupants.
- Smoke alarms to be provided and located in accordance with 3.7.2 of the BCA (copy available on request), to safeguard the occupants of the building in the event of a fire.
- The door to a fully enclosed sanitary compartment must open outwards, slide or be readily removable from the outside of the compartment to enable unconscious occupants to be removed from the compartment.
- Steps and landings higher than 1000mm above the adjacent floor level must be provided with handrails and balustrades as detailed in Part 3.9.2 of the BCA (copy available on request) to provide safe access to and within a building.
- Any use of greywater must be carried out below surface level (ie. using porous piping – not above-ground sprinklers) and must not impact on adjoining properties, all in accordance with a Council approval under s.68 of the Local Government Act 1993.
- Any plumbing, drainage and electrical work to be carried out by a licensed tradesperson, with plumbing and drainage work all in accordance with a Council approval under s.68 of the Local Government Act 1993.

OTHER APPROVALS/CONSENTS

Local Government Act 1993 - approvals granted under Section 78A(3) and (5) of the Environmental Planning and Assessment Act 1979:

- Separate s68 approval granted for S68-21-2010 for the installation/operation of an on-site waste water treatment system.

General terms of other approvals integrated as part of this consent:
Nil

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees Council will review the determination under the provisions of Section 82A. *Note: Section 82A of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a Designated Development, Integrated Development or Crown Applications.*