



Bega Valley Shire Council

Ref: DA07.0302

9 August 2007

Mr A Cochran
125/15 Herbert Street
ST LEONARDS NSW 2065

Dear Mr Cochran

Development application 2007.0302
Lot 1 DP 228266 – 7 Imlay Street, Merimbula

Council has determined your development application and the consent is attached. There may be conditions that need to be fulfilled before a construction certificate can be issued.

Please be aware that no works may occur until you receive your construction certificate.

If you have any questions please ring me on (02) 6499 2299 between 8.30 am and 11 am on weekdays

Regards

Rob Quick
Development Control Planner

ADDRESS ALL
CORRESPONDENCE TO:
PO Box 492
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
EMAIL
council@begavalley.nsw.gov.au



9 August 2007

Mr A Cochran
125/15 Herbert Street
ST LEONARDS NSW 2065

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 20, 27, 65, 75 79, 85 and 86 of the *Bega Valley Local Environmental Plan 2002* subject to conditions.

APPLICANT	Alex Cochran
LAND	Lot 1 in DP 228266
LOCATION	7 Imlay Street, Merimbula
ZONE	2(a) Residential Low Density Zone
PROPOSED DEVELOPMENT	Attached Dual Occupancy and Home Occupation
CLASSIFICATION(S) UNDER BUILDING CODE OF AUSTRALIA	1a
DETERMINATION MADE ON	9 August 2007
CONSENT TO OPERATE FROM	9 August 2007
CONSENT TO LAPSE ON	9 August 2012

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DEVELOPMENT CONSENT

Conditions of approval

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 by the following conditions.
2. The erection of a building the subject of this development consent **MUST NOT** be commenced until:
 - a) detailed plans/specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The Council, or
 - (ii) an accredited certifier, and
 - b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the Council of the appointment, and
 - c) the person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building.
3. 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 final plan of subdivision/construction certificate:

- a) Section 94 Contributions Plan No.5 - Recreational Facilities and Public Reserves

Recreational facilities	\$288
Allocation no	1679-007

- b) Section 94 Contributions Plan No.5 - Recreational Facilities and Public Reserves

Public reserve acquisition	\$2,180
Allocation no	1500-008

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.

4. 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.

a)	Payment of a contribution of: to Council's Water Headworks Fund	\$5,356
	Allocation no	80161-004
b)	Payment of a contribution of: to Council's Sewer Headworks Fund	\$4,070
	Allocation no	90161-004

5. 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, exposed aggregate concrete, 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.

6. 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.

7. 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.

8. A minimum of four off street car parking spaces shall be provided in accordance with Council's Development Control Plan No.7: Parking. Details of the proposed parking layout including surface paving and drainage details must be submitted for approval of Council prior to issue of the Construction Certificate by the Principal Certifying Authority.

9. A minimum of 48 hours notice to the Merimbula Airport Agencies is required for the operation or placement of any obstruction into the approach surface or the transitional surface of the Merimbula airport.

Obstacles operating on the site (crane or concrete pump) shall be fitted with a strobe light on the top of the obstacle to ensure its visibility to approaching and departing aircraft.

Note: The Merimbula Airport Agencies advise that approval to operate a crane within the air space will be denied or the obstacle will be required to be removed during any period of low visibility.

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. 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.

12. 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.

13. 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.
14. The use of the subject premises shall comply in all respects with the definition of "home occupation" defined in Bega Valley Local Environmental Plan as follows:

"home occupation" means an occupation carried on in a dwelling-house or in a dwelling in multi unit housing by the permanent residents of the dwelling-house or dwelling which does not involve -

- a) the employment of persons other than those residents, or
- b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise, or
- c) the display of goods, whether in a window or otherwise, or
- d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the residents), or
- e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
- f) use of more than one room of the house or of more than 30 square metres of the floor area of the dwelling house or multi-unit housing, whichever is the lesser.

Building

15.
 - i) CLOSET ACCOMMODATION for workmen to be provided BEFORE building work commences pursuant to Section 79C of the Environmental Planning and Assessment Act.
 - 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.

NOTE:

- 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) A Compliance Certificate for the following works (where appropriate) is to be obtained from Council as the water authority: -
- Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering.
 - Hot and cold water plumbing under pressure test prior to covering.
 - Internal stack-work under hydrostatic test prior to covering.

Inspections may be arranged by contacting Council's Environmental Planning and Development Services.

- vii) 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.
- viii) Signs to be provided at the front of the property or in a prominent location **PRIOR** to the first inspection: -
- 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 unauthorized entry to the work site is prohibited; and
 - The Principal Contractor (the coordinator of the building work).
16. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
17. The building is to be protected from attack by subterranean termites. Full details of the termite management system proposed to be installed and comply with AS 3660.1 – 1995 (Protection of Buildings from Subterranean Termites) is to be submitted to the Principal Certifying Authority prior to commencement of work.
18. 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.
19. 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.
20. 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**

- (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.
21. 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

22. The site shall be enclosed with a suitable security fence of a type approved by the PCA. An application shall be lodged with and approved by PCA before the erection of any security fence. Note: No building work or demolition shall commence before the security fence is erected.
23. Footings to be carried down to natural load bearing strata of equal bearing value.
24. 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.
25. Balustrading installed in the building must comply with the Building Code of Australia.

Note: If you are to install wire as balustrading you must submit details of the proposed system to the PCA for their concurrence prior to the issue of the Construction Certificate.

26. Separating walls between Class 1 dwellings are to have the appropriate weighted Sound Reduction Index (RW) and Impact Sound Resistance required by Table 3.8.6.1 of the BCA.
27. Separating walls between Class 1 dwellings are to have a FRL of 60/60/60 and must commence at the footings or ground slab, and extend to the underside of a non combustible roof covering or not less than 450mm above a combustible roof covering in accordance with Part 3.7.18 of the BCA.
28. An isolation cock is to be provided to the water service for each unit in a readily accessible and easily identifiable position.

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.

29. 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.
30. 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.
31. The following information shall be submitted for assessment when applying for a Construction Certificate: -
 - a) Details of termite protection in accordance with AS 3600.1 (1995).
 - i) Soil erosion and sedimentation control methods proposed to ensure that all soils remain on the property throughout the construction of the proposed development.
 - l) Details from a suitable qualified and insured Structural Engineer in regard to: -
 1. footings;
 2. reinforced concrete slabs;
 3. retaining walls;
 4. structural steelwork;
 5. wall, subfloor bracing and tie-down requirements;
 - q) Home Building Act Insurance or
 - r) Copy of Owner Builders Permit
32. An Occupation Certificate is to be obtained authorising occupation or use of the new building. Occupation must not take place until the certifying authority is satisfied:
 - a) that a development consent or complying development certificate is in force with respect to the building, and has been substantially complied with; and
 - b) that a Construction Certificate has been issued with respect to the plans and specifications for the building, and
 - c) that the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia, and
 - d) that such other matters as are required by the regulations to be complied with before such a certificate may be issued have been complied with.

Other Approvals

Local Government Act, 1993 approvals granted pursuant to Section 78A(5) of the Environmental Planning and Assessment Act, 1979.

33. All house sewer and plumbing work to be carried out in accordance with the requirements of *The National Plumbing and Drainage Code and Local Government Act, 1993*.
34. The top of the yard gully is to be minimum of 150mm below the finished floor level and a minimum of 75mm above the finished ground level.
35. A works as executed diagram is to be submitted to the Council prior to issue of an Occupation Certificate.
36. All plumbing and drainage works to be carried out by Licensed Tradesmen.
37. All waste pipes, stack work and vents to be concealed.
38. The installation incorporates a 3/6 litre dual flush cistern.

Engineering

39. **Conditions to be satisfied prior to occupation subject to Council acceptance.**
The following matters shall be completed prior to the occupation 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) Re-construction of concrete **footpath crossover as required to suit the alterations to the dwelling** between kerb line and the road boundary, in conformity with Council's standard drawings 1691 and 1692. As there is no kerb & gutter at the front of this development, a pipe 375mm minimum diameter shall be installed under the driveway crossing to provide stormwater drainage.

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

- b) **reconstruction of stormwater drainage** to the entire street frontage of the development to include the following:

- shaping and forming of grass swale stormwater drain,
- regressing and stabilisation of grass swale stormwater drain as required,
- workmanship must be to the satisfaction of the Council's Director of Engineering Services or his delegate.

(Reason: To provide for pedestrian traffic likely to be generated by this development).

40. **Conditions to be satisfied prior to occupation subject to engineer's certification.**
 The following matters shall be completed prior to the occupation 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 public roads or Council controlled drainage systems. 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. Recommend use of rainwater harvesting tanks.

(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.)

- 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: Technical advice on the design, construction and maintenance of stormwater quality control measures is contained in *Managing Urban Stormwater: Soils and Construction* published by the NSW Department of Housing.

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.)

NSW Rural Fire Service

41. Construction shall comply with AS3959 – 1999 level 1 'Construction of Buildings in bushfire prone areas'.
42. The structure shall incorporate gutter less roofing or leafless guttering to prevent the build up of flammable material.
43. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

44. The proposed structure shall be located no closer than 13 metres from the western boundary.
45. The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

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*.

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.
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 Quick
Development Control Planner

FOR BEGA VALLEY SHIRE COUNCIL



The General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

SECTION 94 CONTRIBUTIONS AND HEADWORKS

Under Section 94 of the *Environmental Planning and Assessment Act 1979*
(as amended), the *Water Management Act 2000* and Section 138 of the *Roads Act*.

APPLICANT **Alex Cochran**
LAND **Lot 1 in DP 228266**
LOCATION **7 Imlay Street, Merimbula**
PROPOSED DEVELOPMENT **Attached Dual Occupancy and Home Occupation**

CONTRIBUTION REQUIRED	ALLOCATION NO.	RECEIPT NO.	DATE	AMOUNT
Car parking				
Rural roads				
Water charges	80161-004			\$5,356
Sewer charges	90161-004			\$4,070
Public reserve acquisition	1500-008			\$2,180
Recreation facilities contribution	1679-007			\$288
FEE REQUIRED	ALLOCATION NO.	RECEIPT NO.	DATE	AMOUNT
Subdivision certificate	1391-002			
Compliance certificate	1625-016			
Inspections @ \$160 each	1625-016			
Roadwork consent	1620-025			
TOTAL				\$11,894



Please give this form with the necessary payments to customer service staff at any of our offices.

1. You may pay fees at any of our Council Offices (Bega, Merimbula, Eden and Bermagui) or post to PO Box 492, Bega.
2. The payments listed above are as at the date of issue of the development consent. The actual payment will be calculated at the rate specified in Councils adopted Fees and Charges Schedule as at the time of payment.

There may be variations to the above amounts and therefore it is essential that you contact staff at our Department of Environment, Planning and Development Services before making payment, on (02) 6499 2222 to ascertain the most up-to-date contribution amounts.

SECTION 94 CONTRIBUTIONS & FEES