

MINUTES OF THE HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT GOSFORD GOLF CLUB ON THURSDAY, 15 DECEMBER 2011 AT 5.00 PM

PRESENT:

| | |
|----------------|--------------|
| Garry Fielding | Chairperson |
| Kara Krason | Panel Member |
| Jason Perica | Panel Member |
| Greg Flynn | Panel Member |
| Laurie Maher | Panel Member |

IN ATTENDANCE

| | |
|------------|----------------------|
| Gary Lofts | Gosford City Council |
| Peter Pegg | Gosford City Council |
| Jim Bruton | Gosford City Council |

APOLOGY: NIL

The meeting commenced at 5.00 pm

1. **Declarations of Interest** - Garry Fielding previous professional dealings with D Sneddon and Department of Planning.
2. **Business Items**

ITEM 1 - JRPP 2011HCC014 - Gosford DA 40353 – Commercial Premise – Demolition, Relocation of Services, Hardware & Building Supplies, Café, Self Storage Facility, Vehicle Repair Station and Proposed Subdivision.(JRPP), Lot 5, 6 & 8 DP270678 Lot 3 & 4 in SP84324, H384-400 Manns Road and H69 Central Coast Hwy, WEST GOSFORD

SUPPLEMENTARY COMMENTS ON AMENDED PLANS

Amended plans were lodged by the applicant.

The proposed amendments are summarised as follows:

- Realignment of the proposed access/service road such that it adopts a straight alignment from approximately half-way along the frontage of the proposed hardware store and then parallel to the frontage of the adjacent 'Domayne' store;
- Amendment of the landscaping treatment to the area between the front walls of the hardware store having regard to the re-alignment of the access/service road; Stepping of the front wall of the loading-dock to generally comply with the 10m setback required by the JRPP;

Council provided the additional comments on the amended plans

Encroachments

Encroachments are limited to those discussed in the report before the JRPP for consideration at its meeting of 15 December 2011. Some additional encroachment within the required 10m setback is evident when measuring the setback of the loading dock parallel to the proposed access/service road alignment, however, the encroachment is minor and of little consequence.

Landscaping

Landscaping is proposed across the entire frontage of the hardware store building and having a depth of generally 10m. It is considered the proposed landscaping will provide an adequate level of screening of the development.

Manoeuvrability to, within and from the loading-dock

The proposed garbage compactus unit located to the south western corner of the proposed development has been relocated slightly to the east to achieve complying heavy vehicle turning paths. The vehicle swept paths are generally compliant, however, minor adjustments to the egress driveway and adjacent landscaping area are necessary. Necessary adjustments are identified in red on the plans.

Character

It is considered that the proposed amendments to this development achieve a suitable level of compatibility with the desired future character attributes promoted for this locality.

Proposed business identification sign

It is considered that more detail is required for the proposed business identification sign. Consequently the sign is deleted from the plan and will be subject to a separate application to be submitted including full details of the proposed sign including location, dimensions, full details of the signage to be displayed and the nature of the display and its method of illumination. An additional condition is provided accordingly.

3. Public Submissions -

Doug Sneddon addressed the panel **on behalf of the applicant**.
Garry Dent addressed the panel representing Calardu Gosford Pty Ltd (**neighbour**).
Matthew Gibbons – Riverside Park.
Peter Mangels (planner) – not present.
Tony Pratt (Woolworths) – not present.

4. Business Item Resolution

The Joint Regional Planning Panel as consent authority approve Development Application No 40353/2011 for the proposed Commercial Premise – Demolition, Relocation of services, Hardware and Building Supplies, Cafe, Self Storage Facility, and proposed Subdivision on Lots 3 and 4 SP84323, Lots 5, 6 and 8 DP 270678 Nos 3/69B, 4/69B Central Coast Highway West Gosford and No 384, 392 and 400 Manns Road West Gosford, subject to the following conditions including the amendment of condition 1.1 and the addition of condition 2.17.

1. PARAMETERS OF THIS CONSENT

1.1 ~~Approved Plans and Supporting Documents~~

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by ~~AB3D~~

| Drawing | Description | Sheets | Issue | Date |
|---------|---------------------------------|--------|-------|------------|
| DA02 | Site Plan/Lower Ground/Services | 4 | E | 22/22/2011 |
| DA03 | Site Plan/Ground Level | 4 | D | 22/11/2011 |
| DA04 | Floor Plan/Revised Lower Ground | 4 | D | 22/08/2011 |
| DA05 | Floor Plan/Ground Level | 4 | D | 22/11/2011 |
| DA06 | Floor Plan/Mezzanine/Roof Plan | 4 | D | 22/11/2011 |
| DA07 | Elevations | 4 | E | 22/11/2011 |
| DA08 | Sections | 4 | D | 22/11/2011 |
| DA09 | Carpark Plan/Lighting & Signage | 4 | D | 17/11/2011 |
| DA10 | Service Vehicle Paths | 4 | G | 22/11/2011 |
| 4 | Landscape Plan | 4 | - | 24/11/2011 |

~~Supporting Documentation~~

| Document | Title | Date |
|--------------------|--|------------|
| 10167 | Traffic and Parking Assessment Report – Varga Traffic Management | 21/03/2011 |
| PSM1457.TR1 Rev. 1 | Riverside Park Geotechnical Investigation – Pells Sullivan Meynink | 17/08/2011 |

Condition 1.1 being amended to read:

1.1 **Approved Plans and Supporting Documents**

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by **AB3D**

| Drawing | Description | Sheets | Issue | Date |
|---------|---------------------------------|--------|-------|------------|
| DA02 | Site Plan/Lower Ground/Services | 1 | E | 22/22/2011 |
| DA03 | Site Plan/Ground Level | 1 | E | 08/12/2011 |
| DA04 | Floor Plan/Revised Lower Ground | 1 | D | 22/08/2011 |
| DA05 | Floor Plan/Ground Level | 1 | E | 08/12/2011 |
| DA06 | Floor Plan/Mezzanine/Roof Plan | 1 | E | 08/12/2011 |
| DA07 | Elevations | 1 | F | 08/12/2011 |
| DA08 | Sections | 1 | E | 08/12/2011 |
| DA09 | Carpark Plan/Lighting & Signage | 1 | E | 08/12/2011 |
| DA10 | Service Vehicle Paths | 1 | D | 08/12/2011 |
| DA11 | Temporary Access Plan | 1 | B | 08/12/2011 |
| 1 | Landscape Plan | 1 | - | 08/12/2011 |

| | | | | |
|------|---|---|---|------------|
| SB01 | Plan of Proposed Subdivision <i>(subject to amendments in red to reflect the realignment of the access road)</i> | 1 | E | 26/08/2011 |
|------|---|---|---|------------|

Supporting Documentation

| Document | Title | Date |
|--------------------|--|------------|
| 10167 | Traffic and Parking Assessment Report - Varga Traffic Management | 21/03/2011 |
| PSM1457.TR1 Rev. 1 | Riverside Park Geotechnical Investigation – Pells Sullivan Meynink | 17/08/2011 |

1.2 Building Code of Australia

All building works must be carried out in accordance with the Building Code of Australia.

2. PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

2.1 No activity is to be carried out on site until a Construction Certificate has been issued. Other than:

- a Site investigation for the preparation of the construction, and/or
- b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

2.2 The following contributions are payable under Section 94 of the Environmental Planning and Assessment Act 1979 in accordance with the relevant Council Contribution Plan No 164 – **Gosford Regional Centre** as amended and are subject to quarterly review as detailed in the Contribution Plan.

| | | | |
|---------------------------------------|---|--------------|---------------------|
| Recreation Facilities - Embellishment | A | (Key No 851) | \$202,148.00 |
| Roadworks - Capital | A | (Key No 850) | \$284,875.00 |
| Community Facilities - Capital | A | (Key No 852) | \$166,122.00 |
| Environmental Protection | A | (Key No 853) | \$84,062.00 |
| TOTAL AMOUNT | | | \$737,207.00 |

The total contribution amount of **\$737,207.00** is to be paid prior to the issue of a Construction Certificate.

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

A Construction/Subdivision Certificate is not to be issued by a certifying authority until the developer has provided the certifying authority with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid in accordance with the wording of this condition. A copy of this receipt is to accompany the documents required to be submitted by the certifying authority to Council under Clause 104 of the Environmental Planning and Assessment Regulation 2000.

A copy of the Contribution Plan may be inspected at the Customer Service Centre of Gosford City Council, 49 Mann Street, Gosford or on the Council website

http://www.gosford.nsw.gov.au/customer/document_gallery/contribution_plans

- 2.3 A dilapidation report must be submitted to Council prior to issue of a Construction Certificate and/or approval of engineering plans under the Roads Act. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.4 A security deposit of \$50,000 must be paid into Council's trust fund prior to the issue of a Construction Certificate. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.5 All public stormwater/drainage easement work to be carried out must be approved by Council under Section 68 of the Local Government Act.

Engineering plans for the work must be prepared and designed by a suitably qualified professional in accordance with Council's 'Civil Construction Specifications', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.

The required works to be designed are as follows:

- a. Connection of piping of all stormwater from impervious areas within the site to Council's drainage system located in the southern Council drainage easement.
- b. New culvert over the existing channel base for the proposed delivery road. Appropriate access/surcharge grates to the culvert shall be provided.
- c. Slight amendment to the level of the existing culverts in order to allow vehicular manoeuvrability.
- d. Upgrade of the pipe drainage system within the subject drainage easement. The nominal pipe diameter and projected flows are again to be verified in writing by the RTA. The latest RTA road design plans shall be submitted to verify the same.
- e. *Until completion* of the proposed RTA Manns Road roadworks adjacent to the site a piped stormwater system and overland flow path is to be provided along Council's drainage easement that conveys a minimum of 5.7m³/s.
- f. *Upon completion* of the proposed RTA Manns Road roadworks adjacent to the site and confirmation of the 1% AEP flow rate discharging to Council's drainage easement, an overland stormwater flow path is to be provided that conveys a minimum of 50% of the 1% AEP flow conveyed by the piped stormwater system.
- g. Maintenance schedule and plan for the new pipe system and culvert within the subject drainage easement. Suitable access to the existing culvert outlet discharging to Narara Creek shall also be provided.
- h. Connection details for the existing interallotment drainage system for 73 Central Coast Hwy (hotel site).

The engineering plans must be approved by Council prior to the issuing of a Construction Certificate required under this consent. The proposal shall be generally in accordance with the submitted concept stormwater drainage plans by Northrop (refer Job No. NL070156, Drawing Nos. C02 DA & C05 DA, Revisions F & D, dated 26/8/2011 & 4/7/2011)

- 2.6 Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000, must be obtained from the Water Authority (Council) prior to the issue of a Construction Certificate. Contributions may be applicable to the Section 307 Certificate.

Also, the Applicant shall comply with the conditions and pay the required water and sewer headworks/augmentation contributions specified by the Water Authority under Section 306 of the Water Management Act 2000, in accordance with Council's policy.

- 2.7 Design of the following engineering works within private property:
- Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.
 - Nutrient/pollution control measures must be designed in accordance with Council's DCP165 - Water Cycle Management, and the submitted concept stormwater management plan by Northrop (refer Reference No. NL070156, Drawing No. C02 DA, Revision F, dated 26/8/11). A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
 - Piping of all stormwater from impervious areas within the site to Council's drainage system located in the adjacent Council drainage easement.
 - The minimum floor level of the development must be RL 2.45m AHD.
 - All building materials used or located below RL 2.45m AHD must be of a type that is able to withstand the effects of immersion.
 - On site vehicular turning facilities are to be provided to enable all vehicles to exit the site in a forward direction.
 - Internal accesses and any parking facilities are to be designed and constructed in accordance with Gosford City Council's DCP No. 111: Carparking, AS/NZS 2890.1:2004 Part 1 as amended 2005: "Off-street car parking" and AS 2890.2 Part 2: "Off-street commercial vehicle facilities".

The design of these details and any associated reports shall be included in the construction certificate.

- 2.8 Structures constructed adjacent to a Council stormwater system and/or drainage easement and within the zone of influence must have footings designed in accordance with Council's "Guidelines for Building Adjacent to a Drainage Easement". Details prepared by a practising structural engineer shall form part of the Construction Certificate.
- 2.9 An Acid Sulphate Soil Management Plan is to be prepared in accordance with the Acid Sulphate Soil Manual, Acid Sulphate Soil Management Advisory Committee, August 1998 and the finding of the Riverside Park Geotechnical Investigation (Pells Sullivan Meynink, dated 17 August 2010).
- 2.10 A comprehensive Soil and Water Management Plan be prepared and approved in accordance with 'The Blue book' – Managing Urban Stormwater: Soils and Construction.
- 2.11 The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.
- 2.12 Access to and within the development is to take into account the current provisions of Part D3 of the Building Code of Australia and AS1428.1-2009.
- 2.13 A total of twenty-eight (28) bicycle parking racks are to be provided with this development.
- 2.14 The fitout of the food premises is to comply with the Food Act, 2010, Food Regulation 2010, Food Standards Code and the Australian Standard AS4674 for the Design, Construction and Fitout of Food Premises. Details of compliance are to be included in the plans and specifications for the **construction certificate** to the satisfaction of the certifying authority
- 2.15 Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the PCA **prior to a construction certificate being issued** for the subject works.
- 2.16 Modification of details of the development (s80A(1)(g) of the Act).

The *approved plans* must be amended. The *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to Clause 139 of the *Regulation*, must detail:

- (a) Traffic control details shown in red on Plan No DA09 (Amendment 'C') – Carpark Plan, Lighting and Signage.

The addition of the following condition:

- 2.17 The proposed business identification sign being deleted from the plans. A separate application being submitted for the proposed business identification sign. The application is to include full details of the proposed sign including location, dimensions, details of the signage to be displayed and the nature of the display and its method of illumination.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1 A construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a principal certifying authority prior to the commencement of any building works.

The principal certifying authority (if not the Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than 2 days before the building work commences.

- 3.2 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 3.3 Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 3.4 A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
 - a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 3.5 Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.
- 3.6 Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures must be in accordance with the NSW WorkCover publication titled, '*Site Security and Public Access onto Housing Construction Sites*' and installed prior to the commencement of any demolition, excavation or building works and be maintained

throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

- 3.7 A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place.

If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the *Roads Act 1993* will need to be lodged with Council together with the associated fee.

- 3.8 Prior to commencement of any demolition work, the property's sewer connection must be disconnected at the Inspection Shaft and capped.
- 3.9 The Structural Engineer's details are to be certified that they have been prepared in accordance with the details and recommendations of the Geotechnical Report No. PSM1457.TR1Rev1 prepared by Pells Sullivan Meynink and dated 17 August 2010.
- 3.10 The submission to and approval by Council prior to the commencement of any works, of details for the disposal of any spoil gained from the site and /or details of the source of fill, heavy construction materials and proposed routes to and from the site. Details shall be provided prior to the commencement of works and at latter stages of construction if details change.
- 3.11 Any development constructed near or over Council's sewer and water mains shall comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains". Details prepared by a practising structural engineer must be submitted to and approved by Council's Water and Sewerage Program, prior to commencement of work.
- 3.12 A Plan of Management for Water Supply incorporating water saving initiatives / recycling shall be submitted to and approved by the W&S Asset Management Development Group, prior to the commencement of work. You are advised to contact the W&S Design New Development Officer on Ph.43258821 for further information regarding this condition.
- 3.14 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the *Occupational Health and Safety Regulation 2001*.
The person having the benefit of this consent must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the development consent commences.
Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.
If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.
In this condition, bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.
Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

- 3.15 Appropriate inspection fee for plumbing inspections to be paid prior to commencement of any works.

4. DURING WORKS

- 4.1 Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

a No work is permitted on Sundays and Public Holidays

b No work is permitted on:

- Saturdays when a public holiday is adjacent to that weekend.
- Construction industry awarded rostered days off.
- Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i Minor renovation or refurbishments to single dwelling construction.
- ii Owner occupied renovations or refurbishments to single dwelling construction.
- iii Owner builder construction of single dwelling construction; and/or
- iv Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

- 4.2 Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Code of Practice of Erosion and Sedimentation Control.

- 4.3 A report prepared by a registered Surveyor is to be submitted to the Principal Certifying Authority at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans.

- 4.4 To minimize the opportunity for crime, the development must incorporate the following:

- a Adequate lighting to AS1158 is to be provided to common areas.
- b The ceiling of the car park must be painted white.
- c Landscaping adjacent to mailboxes and footpaths must not provide for the concealment opportunities for criminal activity.
- d The development must be designed to avoid foot holes or natural ladders so as to minimize unlawful access to the premises.
- e Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

- 4.5 Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.

- 4.6 If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made is responsible to notify the neighbour and responsible for the protection and preservation of the adjoining allotment of land.

- 4.7 This development is subject to Council's DCP106 – Controls for Site Waste Management. The Waste Management Plan submitted as supporting documentation with this development consent is required to be implemented during all stages of demolition and construction.
- 4.8 Buildings are to be demolished in a safe and systematic manner in accordance with the requirements of Australian Standard AS 2601-2001 - *Demolition of Structures*, and disposed of in an approved manner.
- 4.9 The stormwater/drainage easement works that required approval under the Local Government Act shall be constructed in accordance with Council's 'Civil Construction Specifications', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.
- 4.10 The engineering works within private property that formed part of the construction certificate shall be constructed in accordance with the plans and details approved with the construction certificate.
- 4.11 The locations of all electrical fixtures and/or gas outlets are to be at a minimum height of RL 2.45m AHD.
- 4.12 Filling or debris must not be placed within any watercourse or drain.
- 4.13 Arrangements must be made with Energy Australia, Australian Gas Light Company and Telstra for the supply of services concurrent with the engineering work. Arrangements must include any relocation of existing mains and services and dedication of easements for mains and services.
- 4.14 The Applicant/developer shall ensure 24 hour unrestricted/unobstructed access to the existing sewer pump station and Council water and sewer infrastructure (including power and water supply) adjoining and within the development.
- 4.15 Pile driving shall not be carried out within ten (10) metres of Council's existing sewer reticulation mains. Conditions associated with driving piles within ten (10) metres of the sewer are outlined in "Council's Building Over or Near Council's Sewer and Water Mains" guidelines.
- 4.16 The required fill material will only comprise of;

- i Virgin Excavated Natural Material (VENM) as defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997*.

This definition is as follows:

"virgin excavated natural material" means natural material (such as clay, gravel, sand, soil or rock fines):

(a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and

(b) that does not contain any sulfidic ores or soils or any other waste,

and/or

- ii Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2005* in accordance with the Excavated Natural Material exemption 2008.

The placement of any other type of fill material other than that defined under VENM or ENM is classified as prohibited under this consent.

- 4.17 The applicant shall provide Council with validation documents verifying and certifying that the material complies with the definition of VENM under Schedule 1 of the *POEO Act 1997* or an exemption issued under the Excavated Natural material exemption 2008 if ENM is placed on the land.
- 4.18 Any exposed soil surface areas shall be grassed / landscaped to minimise soil erosion.
- 4.19 The approved Soil and Water Management Plan is to be implemented.
- 4.20 The approved Acid Sulphate Soil Management Plan is to be implemented.
- 4.21 The internal road strength used by the waste trucks must be sufficiently strong enough to withstand a truck loading of 22.5 tonnes.
- 4.22 The road surface used by the waste trucks must be constructed of reinforced concrete.
- 4.23 No obstructions to the wheel out of the waste bins being permitted including grills, speed humps, barrier kerbs etc.
- 4.24 The driveway design and loading area layout is to be designed in accordance with AS2890.2-2002 Parking Facilities – Off street Commercial Vehicle Facilities.
- 4.25 The waste truck servicing grade is to be 3% or less for the following areas:
 - Within the enclosure;
 - For bulk bin roll out pads; and
 - Within the 13m bulk bin and truck service area.
- 4.26 All plumbing to be inspected by Council's plumbing inspector. No self-certification is allowed of plumbing within the Gosford City Council Local Government area.
- 4.27 Strict compliance with the General Terms of Approval issued by the NSW Office of Water dated 27 April 2011.

5. PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

- 5.1 Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority (Council) prior to the issue of a Subdivision Certificate (for the subdivision). Contributions may be applicable to the Section 307 Certificate.
- 5.2 A Subdivision Certificate must be issued for the subdivision prior to the registration of the final plan of subdivision and Section 88B Instrument.
- 5.3 A letter of clearance from Energy Australia, Australian Gas Light Company and Telstra is to accompany the Subdivision Certificate. Note: A letter of clearance will not be required from Energy Australia for two (2) lot Subdivisions.
- 5.4 Prior to the issue of a Subdivision Certificate the plan of subdivision and section 88B instrument under the Conveyancing Act 1919 must establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority

to release and modify. Wherever possible, the extent of land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision

- a. To create a Restriction As To user over all lots containing a nutrient/pollution control facility restricting any alteration to such a facility or the erection of any structure over the facility or the replacement of any obstruction over the facility.
- b. Extend the existing Easement for Drainage 7.62m wide in a westerly direction to Manns Rd.
- c. To create a 'Restriction as to User' over all lots affected by a secondary flow path to ensure;
 - The shape of the flow path is not altered.
 - No structures are erected within the flow path, excluding fences that are flood compatible.
 - The minimum floor level of any dwelling is defined by a reduced level related to AHD being 500mm above the 1% AEP flood level.
- d. To create right of accesses (to the drainage easement/culvert, sewer pump station, hydrant tanks) and easements (for the sewer pump water and electricity supply).

5.5 Prior to issue of a Subdivision Certificate the plan of subdivision and section 88B instrument under the Conveyancing Act 1919 must establish the following positive covenant; with the Council having the benefit of these covenants and having sole authority to release and modify. The covenant must be prepared by Council's Solicitor at the owner's cost prior to the issue of a Subdivision Certificate.

- a. To ensure on any lot containing a nutrient/pollution control facility that:
 - The facility will remain in place and fully operational.
 - The facility is maintained so that it operates in a safe and efficient manner.
 - Council staff are permitted to inspect and repair the facility at the owner's cost.
 - Council is indemnified against all claims of compensation caused by the facility.

5.6 Prior to issue of the Subdivision Certificate, the Applicant shall create the following easements and right of carriageway benefitting Council:

- Right of Carriageway and Easement for Services 4.0 metres wide for access to Council's sewer pump station, including an easement for electricity purposes over the electrical supply to the pump station.
- Easement for Sewerage purpose 2 metres wide (or 'Easement to Drain Sewerage over Existing Line of Pipes') over the sewer gravity mains.
- Easement to Drain Sewerage 4.0 metres wide over the sewerage rising mains contained within the site.
- Easement for Water Supply 3 metres wide over Council's existing water main and service contained within the site.

Alternatively, the developer may choose to relocate the water and electrical supply to within a combined Easement for Access and Services 4.0 metres wide.

5.7 Prior to issue of the Subdivision Certificate, a registered surveyor shall provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

6. PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

- 6.1 Application for an Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
- 6.2 The premises not being occupied until an occupation certificate has been issued.
- 6.3 A concrete kerb, or alternative of similar standard, must be provided to the driveways and around areas of landscaping to prevent encroachment of vehicles.

- 6.4 The driveway, vehicle manoeuvring area and {number} car parking spaces as shown on the approved plan must be properly constructed, graded, drained, sealed and line marked including directional arrows with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking.
- 6.5 Impervious surface areas including pathways and driveways are to be graded and drained to prevent water run-off affecting adjoining properties.
- 6.6 Any damage not shown in the dilapidation report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of the Occupation Certificate.
- 6.7 Stormwater/drainage easement works that required approval under the Local Government Act 1993 are to be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', and documentary evidence for the acceptance of such works obtained from the Council prior to the issue of an Occupation Certificate.

Note 1: A maintenance bond shall be paid on completion of the works in accordance with Section 1.07 Maintenance of the 'Civil Construction Specification'.

- 6.8 Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority (Council) prior to the issue of a Subdivision Certificate (for the subdivision). Contributions may be applicable to the Section 307 Certificate.
- 6.9 Prior to the issue of an Occupation Certificate, the internal engineering works within private property that formed part of the Construction Certificate shall be completed in accordance with the plans and details approved with the Construction Certificate.
- 6.10 Certification from a consulting engineer shall be submitted to Council stating that all slabs and/or footings within the zone of influence associated with the Council stormwater system and/or drainage easement have been constructed in accordance with the Construction Certificate.
- 6.11 A Subdivision Certificate must be issued for the subdivision prior to the registration of the final plan of subdivision and Section 88B Instrument.
- 6.12 A letter of clearance from Energy Australia, Australian Gas Light Company and Telstra is to accompany the Subdivision Certificate. Note: A letter of clearance will not be required from Energy Australia for two (2) lot Subdivisions.
- 6.13 Prior to issue of the Occupation Certificate, the Applicant shall submit for approval to the appointed Principal Certifying Authority, documentary evidence from the Department of Lands demonstrating that the required subdivision for the development has been registered and the new titles exist.
- 6.14 Council will require an indemnity against claims for loss or damage to the pavement or other driving surface and against liabilities losses, damages and any other demands arising from any on-site collection service prior to issue of an Occupation Certificate together with the creation of a S88B instrument under the Conveyancing Act to this effect and at the applicant's cost.

- 6.15 A certificate being submitted at the completion of the installation from a practising Mechanical Engineer certifying that the construction, installation and operation of the exhaust hood ventilation system meets the requirements as AS 1668.1 and/or AS 1668.2.
- 6.16 Council is to be notified upon completion of work and following the issue of the occupation certificate, **prior to trading commencing** to enable the premises to be inspected by Council's Environmental Health Officer and for the premises to be registered with the Council as a food premises.
- 6.17 Prior to issue of any Occupation Certificate (Interim or Final) the requirements of the RTA regarding access and egress, whether temporary or permanent, to Manns Road are to be fully complied with.

7. ONGOING OPERATION

- 7.1 Nothing associated with the business is to be located on the footpath or adjoining public area, including the parking of vehicles, storage of goods, materials, waste or the like.
- 7.2 The sound level output from the development or business shall not exceed 5dBA above the ambient noise level measured at the boundary of the property.
- The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of offensive noise as defined by the *Protection of the Environment Operations Act 1997*.
- 7.3 No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
- 7.4 All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.
- 7.5 The consent of Council must be obtained prior to any change of use of the premises as defined in the planning instrument.
- 7.6 All loading and unloading of goods are to be conducted wholly within the site. Loading facilities, internal docks or goods handling areas are to be maintained free of obstruction for the sole use of delivery vehicles.
- Visitor car parking spaces are to be physically identified on site, and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.
- 7.7 No advertisement shall be erected on or in conjunction with the proposed development without prior development consent unless the advertisement is exempt development under Council's exempt and complying development schedule.
- a The sign and means of fixing and support must be maintained in a presentable and satisfactory state of repair at all times.
- 7.8 Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.
- 7.9 In order to minimise vehicle conflict through the site, any Articulated Vehicles shall be limited to clockwise movements through the site and entry/exit from Manns Rd only.

- 7.10 In order to minimise vehicle conflict through the site, any Heavy Rigid Vehicles accessing the proposed Common Loading Dock and existing Moneywise development shall be limited to entry/exit from the Central Coast Highway only.
- 7.11 No trees are to be **planted** within the drainage channel between the building and the southern boundary of the site.
- 7.12 The refrigerated/cooling/freezing chamber, which is of sufficient size for a person to enter must have-
- (a) a door which is capable of being opened by hand from inside without a key; and
 - (b) internal lighting controlled only by a switch is located adjacent to the entrance doorway inside the chamber; and
 - (c) an indicator lamp positioned outside the chamber which is illuminated when the interior light is switched on; and
 - (d) An alarm that is-
 - (i) located outside but controllable only from within the chamber; and
 - (ii) able to achieve a sound pressure level outside the chamber of 90dB(A) when measured 3m from the sounding device.
- The door required by (a) above must have a doorway with a clear width of not less than 600mm and a clear height of not less than 1.5m.
- 7.13 The first access point to the car park from the adjacent access/service road being widened to 7.5m, and the median strip preceding the access point (west of the access point) being reduced in length by 5.00m.

8. OTHER APPROVALS

8.1 RTA requirements:

- On site vehicular turning facilities are to be provided to enable all vehicles to exit the site in a forward direction.
- Internal accesses and any parking facilities are to be designed and constructed in accordance with Gosford City Council's DCP No. III: Carparking and AS/NZS 2890.1:2004 Part I as amended 2005: "Off-street car parking" AS 2890.2 Part 2: "Off-street commercial vehicle facilities"
- Appropriate site works are to be constructed across the Street frontages so as to comply with the minimum sight distance requirements and minimum sight lines for pedestrian safety set out in the RTA publication "Guide to Traffic Generating Developments" (1993) and AS/NZS 2890.1:2004 Part I: "Off-street car parking".
- As part of the intersection upgrade works on the Central Coast Highway, Brisbane Water Drive and Manns Road, West Gosford the RTA is proposing to construct a roundabout at the Manns Road, Grieve Close and Riverside Drive intersection. These works will not be completed prior to the opening of the proposed development. Given this the proponent (at no cost to the RTA) is to provide temporary access to the development generally in accordance with Drawing DAI I dated 12 July 2011 (attached). Additionally it will be the responsibility of the proponent to continue to maintain this access until such time as the RTA works take precedence. The staged access provision must be designed in accordance with RTA design requirements and approved by the RTA.

- Appropriate street lighting at the temporary access location(s) is to be provided as agreed by the RTA
- As part of the Manns Road roadworks the RTA will need to restrict access to the development to left in/out only. The RTA would work with relevant persons (owner(s) and operator(s) of the development) to minimise any access disruption, but does not warrant that right turn out or into the site can be maintained at any time. During any access restriction the RTA will not accept any liability for any compensation with regard to access restriction nor disruption of trade.
- At times during the construction works on Manns Road service vehicles may not be able to enter or exit via Manns Road. During this time service vehicles may need to enter off the Central Coast Highway at Riverside Drive/Yallabee Ave intersection.
- As part of the staged access negotiation the developer shall apply for, and obtain a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon the RTA receiving an accurate and compliant TMP. *Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.*

9. ADVICE

- 9.1 The public authorities may have separate requirements and should be consulted in the following aspects:
 - a *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - b *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - c *Energy Australia* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - d *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - e *Gosford City Council* in respect to the location of water, sewerage and drainage services.
- 9.2 All work carried out under this Consent should be done in accordance with WorkCover requirements including the Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 9.3 Separate application being made for connection to Council's sewerage system.
- 9.4 A fee for the approval of engineering plans under the Local Government Act applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.
- 9.5 The inspection fee for works associated with approvals under the Local Government Act is calculated in accordance with Council's current fees and charges policy.

- 9.6 Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Council's web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.

Also, the Applicant shall comply with the conditions and pay the required water and sewer headworks/augmentation contributions specified by the Water Authority under Section 306 of the Water Management Act, 2000.

- 9.7 Payment of a Subdivision Certificate fee must be made at time of lodgement of the subdivision plan with Council. The fee may be obtained from Council's Customer Service Unit on 4325 8222 or from Council's website <http://www.gosford.nsw.gov.au>.

10. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

11. RIGHT OF APPEAL

- 11.1 Section 97 of the Act, confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within 6 (six) months, from the date of determination.
- 11.2 To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

Moved Greg Flynn Seconded Laurie Maher

MOTION CARRIED ALL

The meeting concluded at 5.30 pm

Endorsed by

Garry Fielding

Chair, Hunter & Central Coast Joint Regional Planning Panel

Date: 23 December 2011