



Office of Water

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Our ref: 20 ERM2011/0500

Your ref: 308/2011

The General Manager
Wyang Shire Council
PO Box 20
Wyang NSW 2259

Attention: Jenny Webb

7 September 2011

Dear Ms Webb

**Re: Integrated Development Referral – General Terms of Approval
DA 308/2011 Residential flat building, 53 units,
35-41 Wilfred Barrett Drive, The Entrance North. (Lot 1 DP 8625588 and Lot 76 DP
227174)**

I refer to your letter dated 30 August 2011 regarding the above Integrated Development Application (DA). Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000* (WMA).

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPAA) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

As a controlled activity (ie the 'works') cannot commence before the applicant applies for and obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:

"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".

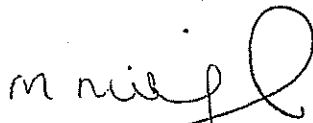
The attached GTA are not the Controlled Activity Approval. The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval **after consent** has been issued by Council **and before** the commencement of any 'works' on waterfront land.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website.

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Per Algis Sutas
Senior Licensing Officer
NSW Office of Water - Gosford



General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference	20 ERM2011/0500	File No:	
Site Address	35-41 Wilfred Barrett Drive, The Entrance North. Lot 1 DP 8625588 and Lot 76 DP 227174		
DA Number	308/2011		
LGA	Wyong Shire Council		
Number	Condition		
Plans, standards and guidelines			
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 308/2011 and provided by Council:</p> <p>(i) Concept Stormwater Ground Floor Plan & Details, drawn by Cardno (NSW/ACT) Pty Ltd, dated 22 August 2011, Drawing No 89022886-001, Rev 2.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>		
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the estuary identified.</p>		
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan</p> <p>(ii) Erosion and Sediment Control Plan</p>		
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals</p> <p>(i) Vegetation Management Plans</p> <p>(ii) Laying pipes and cables in watercourses</p> <p>(iii) Riparian Corridors</p> <p>(iv) In-stream works</p> <p>(v) Outlet structures</p> <p>(vi) Watercourse crossings</p>		
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>		
Rehabilitation and maintenance			

Our Reference		20 ERM2011/0500	File No:	
Site Address		35-41 Wilfred Barrett Drive, The Entrance North. Lot 1 DP 8625588 and Lot 76 DP 227174		
DA Number		308/2011		
LGA		Wyong Shire Council		
Number	Condition			
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.			
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.			
Reporting requirements				
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.			
Security deposits				
9	The consent holder may be required to provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.			
Access-ways				
10	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.			
Disposal				
11	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.			
Drainage and Stormwater				
12	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.			
13	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.			
Erosion control				
14	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.			
Excavation				
15	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.			
16	The consent holder must ensure that any excavation does not result in (i) diversion of any estuary (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity			

Our Reference		20 ERM2011/0500	File No:	
Site Address		35-41 Wilfred Barrett Drive, The Entrance North. Lot 1 DP 8625588 and Lot 76 DP 227174		
DA Number		308/2011		
LGA		Wyong Shire Council		
Number	Condition			
	has been authorised, other than in accordance with a plan approved by the NSW Office of Water.			
River bed and bank protection				
17	The consent holder must establish a riparian corridor along the Tuggerah Lake in accordance with a plan approved by the NSW Office of Water.			
END OF CONDITIONS				

505DA272
11/587
17 June 2011



The General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Attention: Jane Doyle

**DA 308/2011 – LOT: 1 DP: 862588 LOT: 76 DP: 227174 No. 35-41 WILFRED
BARRETT DRIVE, THE ENTRANCE NORTH 2261
PROPOSED RESIDENTIAL FLAT BUILDINGS**

Dear Sir,

I refer to Council's letter dated 21 April 2011 regarding the abovementioned development application.

Please note that the RTA has no current proposals affecting or requiring any part of the property.

The RTA understands that development consent is sought for the construction of 53 residential flat buildings consisting, 8x1 bedroom, 6x1 bedroom adaptable and 39x2 bedroom units.

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road system, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, the RTA has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. RTA concurrence is required for works, structures, and disturbances to, in, on, under or over classified roads, under section 138 of the Act, with Council consent. Council is the roads authority for all roads in the area.

With regards to the subject development the RTA objects in principle to the access arrangements proposed to service the site. Specifically the RTA objects to the ingress arrangement as proposed from Wilfred Barrett Drive into the proposed development. This ingress arrangement as proposed is in direct conflict with movements associated with the existing bus turnaround bay located in Wilfred Barrett Drive west side opposite Wyuna Ave.

Roads and Traffic Authority

Upper Level, The Pavilion Building, 29-37 George Street Woy Woy NSW 2256
PO Box 766 Woy Woy NSW 2256 8812
www.rta.nsw.gov.au | (02) 4379 7001

In terms of overall access the RTA instead favours a combined ingress/egress point located at the proposed egress point. This location will remove the unacceptable vehicle conflicts associated with the proposed access arrangements. This would require a redesign of the internal configuration in order to accommodate this desired outcome.

The RTA would consider any future proposal which incorporated the following outcomes.

- Combined ingress/egress point located at the proposed egress point in Wilfred Barrett Drive. The proponent should provide as a minimum a type "BAR" right turn treatment in Wilfred Barrett Drive at this access point location. The type "BAR" right turn treatment should be provided in accordance with the RTA "Road Design Guide". The developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA. In this regard the developer is required to submit concept and detailed design plans and all relevant additional information, as may be required in the RTA's WAD documentation, for each specific change to the classified (State) road network and / or any traffic control signals for the RTA's assessment and final decision concerning the work.
Comment: It is requested that Council advise the developer that the conditions of consent set by Council do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structures works, for which it is responsible, on the road network. The RTA must provide a final consent for each specific change to the classified (State) road network and / or any traffic control signals prior to the commencement of any work.
The WAD shall be executed prior to granting a Construction Certificate for the proposed development.
All road works under the WAD shall be completed prior to issuing an Occupation Certificate (interim or final) for the proposed development.
- 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 Wyong Shire Council DCP No. 61 "Carparking" and AS/NZS 2890.1:2004 Part 1 as amended 2005: "Off-street car parking" AS 2890.2 Part 2: "Off-street commercial vehicle facilities"
- During the construction period an appropriate Traffic Control Plan is to be developed to ensure that a satisfactory level of traffic safety is maintained on Wilfred Barrett Drive at all times.
- In order to minimise impacts on the stormwater drainage system, including associated flooding behaviour and water quality impacts, stormwater generated from the development site must be managed so as to attenuate post-development flows to pre-development flows for a full range of design rainfall events. The principles of Water Sensitive Urban Design may be applied in order to achieve this goal.
- Ground water seepage and overland stormwater flow which affect the classified road reserve shall be managed on site.
- Stormwater from the development shall be conveyed by gravity (not a charged or pump system except for basement car parks) to the street kerb or via a direct connection to an on street stormwater gully pit. If the pit option is implemented the pipeline within the footpath area shall have a minimum cover of 300mm.

- Where any direct stormwater connection to the kerb is made, it is to be by way of a low-profile rectangular hollow galvanised steel section. All kerb and footpath rectification works are to be undertaken to the satisfaction of the RTA.
- The works referred to above are to be undertaken at no cost to the RTA.

Sediment control measures, in accordance with the RTA Road Design Guide (Section 8), Landcom publication "Managing Urban Stormwater – Soils and Construction" 4th edition March 2004 Volume I or Council's internal policy documents should be incorporated in any future consent.

Council conditions of development consent relating to road work, traffic control facilities and other structures on the classified road network contrary to those outlined above are unlikely to receive RTA concurrence, or consent, under the Roads Act, 1993. The RTA must provide its concurrence for each specific change to the state road network prior to the commencement of any work.

The following additional comments are also provided for Council's consideration and for issuing advice to the applicant.

- The proposed development should be designed such that the road traffic noise from classified roads is mitigated by durable materials, in accordance with EPA criteria for new residential developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not feasibly or reasonably be met, the RTA recommends that Council apply the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45 dB(A) $L_{eq(15hr)}$ and 40 dB(A) $L_{eq(9hr)}$, and
- Sleeping rooms: 35 dB(A) $L_{eq(9hr)}$.
- No reliance is to be given to on-street parking in Wilfred Barrett Drive in the determination of parking needs relating to the proposed development.

For clarification of any matter, please do not hesitate to contact either Gary Stapleton on 4379 7012, in the first instance, or myself on 4379 7004.

Yours sincerely



Wayne Wilson
Traffic and Safety Manager
Central Coast Office

505DA272,
11/1330
27 September 2011



The General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Attention: Jane Doyle

**DA 308/2011 – LOT: 1 DP: 862588 LOT: 76 DP: 227174 No. 35-41 WILFRED
BARRETT DRIVE, THE ENTRANCE NORTH 2261
PROPOSED RESIDENTIAL FLAT BUILDINGS – SEPP AFFORDABLE RENTAL
HOUSING (AMENDED PLAN)**

Dear Sir,

I refer to Council's letter dated 30 August 2011 regarding the abovementioned development application.

Please note that the RTA has no current proposals affecting or requiring any part of the property.

The RTA understands that development consent is sought for the construction of residential flat buildings.

RTA Responsibilities and Obligations

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road system, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, the RTA has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. RTA concurrence is required for works, structures, and disturbances to, in, on, under or over classified roads, under section 138 of the Act, with Council consent. Council is the roads authority for all roads in the area.

Additionally, the RTA has powers under Section 104 of the Roads Act 1993 to direct the removal of any works deemed by the RTA to be a traffic hazard.

Roads and Traffic Authority

Upper Level, The Pavilion Building, 29-37 George Street Woy Woy NSW 2256
PO Box 766 Woy Woy NSW 2256 8812
www.rta.nsw.gov.au | (02) 4379 7001

State Environmental Planning policy No. 64 – Advertising and Signage (SEPP 64) requires that the consent authority obtain the concurrence of the Roads and Traffic Authority when considering approval for advertising signage which is within 250metres and visible from a classified road.

Council conditions of development consent relating to road work, traffic control facilities and other structures on the classified road network contrary to those outlined below are unlikely to receive RTA concurrence, or consent, under the Roads Act, 1993. The RTA must provide its concurrence for each specific change to the state road network prior to the commencement of any work.

RTA Response and Requirements

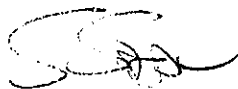
The RTA in its letter dated 17 June 2011 objected in principle to the development citing a number of requirements which were to be addressed before further comment would be given to this proposal. The RTA understands Council subsequently requested the proponent to amend the site plans to satisfy these requirements. The amended plans have been received by Council and forwarded to the RTA for further comment.

The RTA has reviewed the amended information forwarded with the proposal and has no objection to the proposed development as shown on "Australian Consultant Architects" Plan No DA04 (Issue B - Design Revision July 2011)

Notwithstanding this advice all other conditions detailed in our letter dated 17 June 2011 still apply.

For clarification of any matter, please do not hesitate to contact either Gary Stapleton on 4379 7012, in the first instance, or myself on 4379 7004.

Yours sincerely



Scott Stapleton
Traffic and Safety Manager
Central Coast Office

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 8741 5175
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Wyong Shire Council
PO Box 20
Wyong NSW 2259

Your Ref: DA/308/2011
Our Ref: D12/0469
DA12030782419 GB

ATTENTION: Jenny Webb

12 April 2012

Dear Sir/Madam

SEPP (Infrastructure) 2007 Development - 1//862588 & 76//227174 Wilfred Barrett Drive the Entrance North 2261

I refer to your letter dated 24 February 2012 seeking our advice in accordance with *State State Environmental Planning Policy (Infrastructure) 2007*.

The NSW Rural Fire Service provides the following advice regarding bush fire protection measures for the proposed development:

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

1. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

2. A Bush Fire Emergency Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service document 'Guide for Developing a Bush Fire Emergency Evacuation Plan'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. Proposed units 10 to 21 and 32 to 43 shall be constructed to comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

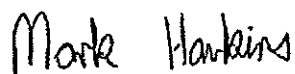
4. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
5. All fencing shall be non-combustible.

General Advice – consent authority to note

This assessment is based on the advice that the foreshore reserve is included within a Plan of Management, and the assumption that the vegetation between the development and the lake will be hazard reduced.

For any queries regarding this correspondence please contact Garth Bladwell on 8741 5175.

Yours sincerely



Mark Hawkins
A/Team Leader, Development Assessment

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.