

MINUTES OF THE HUNTER CENTRAL COAST REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT WYONG SHIRE COUNCIL CHAMBERS ON THURSDAY, 16 JUNE 2011 AT 2.00 PM

PRESENT:

Jason Perica	Chair
Doug Eaton	Panel Member
John Colvin	Panel Member
Martin Johnson	Panel Member

IN ATTENDANCE

Peter Fryar	Manager, Development Assessment, Wyong Council
Mark Greer	Senior Development Planner, Wyong Council
Jenny Webb	Senior Development Planner, Wyong Council
Jane Doyle/Heidi Cox	Minute Secretary

APOLOGY: GINA VEREKER, KARA KARSON AND GARRY FIELDING.

1. The meeting commenced at 2.00 pm

2. **Declarations of Interest - Nil**

2.a *There was a motion moved to recess for 5 minutes to enable Council Staff to obtain information regarding an insurance matter.*

Moved: John Colvin
Seconded: Martin Johnson

The meeting went into recess at 2.25pm and reconvened at 2.30pm

3. **Business Items**

ITEM 1 - 2011HCC018 - Wyong Shire Council - 736/2010, Residential Flat Development , Lots 7, 8, 9 and 10 in DP 17377 Nos 31 - 33 Ocean Parade and 11 - 13 Bayview Avenue, The Entrance

4. **Public Submission –**

Speakers: Mr Bruce Elson Chairperson of Body Corporate of an adjacent property.
Mark Feller (Adjoining neighbour)
Steven Taylor (Applicant)
Michael Brown (Consultant Planner)

5. Business Item Recommendations

2011HCC018 - Wyong Shire Council - 736/2010, Residential Flat Development Lots 7, 8, 9 and 10 in DP 17377 Nos 31 - 33 Ocean Parade and 11 - 13 Bayview Avenue, The Entrance

Moved by John Colvin, seconded by Doug Eaton, that:

- 1 The Joint Regional Planning Panel grant consent to DA/736/2010, subject to the conditions in the report to the Joint Regional Planning Panel on the 16 June 2011 as amended at the meeting (outlined below).
- 2 The Joint Regional Planning Panel notes the proposal involves variation to Wyong Development Control Plan 2005 Chapter 64 – Multiple Dwelling Residential Development in relation to setbacks.
- 3 That those who made written submissions be advised of the Joint Regional Planning Panel's decision.

MOTION CARRIED.

The meeting concluded at 2.55 pm.

Endorsed by

Jason Perica
Acting Chair, Hunter & Central Coast Region JRPP
22 June 2011

NOTE: The following conditions were amended during the meeting of the Joint Regional Planning Panel on the 16 June 2011.

Title of the Proposed Development – (added in bold)

Two stage Residential Flat Development of forty-one (41) units comprising two buildings of six and eight residential floors respectively in addition of two levels of basement carparking **including demolition of existing structures**

Condition 4, take out 2nd sentence

A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. ~~Should Council not have any record of the existing fire safety measures in the building or on the land a separate list of these existing fire safety measures is to be submitted.~~ The list must describe the extent, capability and basis of design for each measure prior to the issue of a Construction Certificate.

Condition 13 – Add in **Principal Certifying Authority**

The applicant must supply the Consent Authority and **Principal Certifying Authority** with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and improvements. The report must be submitted to the Consent Authority prior to issue of a Construction Certificate and will be made available by the Consent Authority in any private

dispute between the neighbours regarding damage arising from site and construction works.
moved MJ Sec JC

Moved Condition No 78 to During Construction to make a new Condition 63

All trees proposed on site in particular the date Palms are to have setbacks applied in accordance with Australian Standards 4970 2009. This is to be overseen by an AQF 5 Arborist. This will be identified as the structural root zone and all Date Palms are to be retained and applied root zones enforced as per 4970 2009. No works, storing of materials or excavation is to occur within the Structural Root Zone of the trees.

Changes to Condition No 73 (in bold)

- 73 Any damage not shown in the Dilapidation **Reports** submitted to Council and the **Principal Certifying Authority** 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.

Date: 24 May 2011
Responsible Officer: Mark Greer
Location: 31-33 Ocean Parade, and 11-13 Bayview Avenue,
The Entrance NSW 2261,
Owner: J Murray
Applicant: Kylmill Pty Ltd
Date Of Application: 16 June 2010
Application No: DA/736/2010
Proposed Development: Two stage Residential Flat Development of forty-one (41) units
comprising two buildings of six and eight residential floors
respectively in addition of two levels of basement carparking
including demolition of existing structures
Land Area: 3288.00m2

PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved development plans reference number 29024 sheets 1 – 18 Amendment B, prepared by De Angelis Taylor & Associates dated 16 November 2010, except as modified by any conditions of this consent, and any amendments in red.

Certificates/Engineering Details

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Certificates/Engineering Details

- 3 The submission to Council of a Practising Professional Engineer's design for the footings, concrete slab or details within the zone of influence of, or over the sewer main. The design is to indicate the proposed method of protecting the sewer main in accordance with Council's requirements for Building over or Adjacent to Sewers. Design details are to be approved by Council as the Water Supply Authority under the Water Management Act prior to the issue of a Construction Certificate.
- 4 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. The list must describe the extent, capability and basis of design for each measure prior to the issue of a Construction Certificate.
- 5 This consent permits a two stage development; Stage 1 for block "A" at No 31 – 33 Ocean Parade and Stage 2 for block "B" No 11 – 13 Bayview Avenue. Construction Certificates are to be issued appropriate for the extent of works required for each stage of development to ensure that individual stages function in accordance with the approved plans.

Construction

- 6 All proposed load bearing retaining walls and structures are to be designed by a practising Civil/Structural engineer in accordance with AS4678, AS3600, AS1170 and other relevant codes and standards. Details are to be approved by Council prior to a Construction Certificate being issued.
- 7 A geotechnical report is to be undertaken for the area of the proposed development that is to be excavated or affected by groundwater. This report is to identify existing ground conditions and the most suitable method of support for the proposed development. Excavation stability is to be included in the geotechnical investigation. The report is to be submitted to the Principal Certifying Authority and shall demonstrate that the construction will not have an impact upon surrounding area, dwellings or structures. Details are to be approved by Principal Certifying Authority prior to a Construction Certificate being issued
- 8 The proposed methods to control groundwater both during construction and ongoing shall be supported by a geotechnical report which specifically addresses issues including, but not limited to, water mounding and draw down of the water table and associated consolidation of surrounding materials. Any impact on the surrounding area, dwellings and structures shall be included in the report with proposed methods of mitigation of any effects.
- 9 Satisfactory structural plans prepared by a suitably qualified Structural Engineer must be submitted to the Principal Certifying Authority for piling / piling, retaining walls and structures prior to the issue of a Construction Certificate. Piling / piling, retaining walls and structures are to be designed in accordance with the findings and recommendations of the Geotechnical report. Details are to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- 10 Groundwater extraction / dewatering both during the construction and ongoing shall be approved and licensed in accordance with the requirements of the NSW Office of Water under the Water Management Act. The approval and licence shall be obtained prior to issue of the Construction Certificate.
- 11 Any excavation below the adjoining land level requires compliance with Section 98E of the Environmental Planning and Assessment Regulations 2000. It requires the retaining of that land and the preservation and protection of any improvements or buildings to that land including public roads and utilities from damage. If necessary the improvements or buildings are to be supported in a manner designed by a practicing structural engineer. Design proposals are to include geotechnical investigations and are to be submitted to the Principal Certifying Authority/Council prior to issue of the Construction Certificate. The owner of adjoining properties must be given written notice of the intention to commence works and details of the proposal a minimum of seven days prior to the start of works.

Contributions

- 12 Prior to the issue of a Construction Certificate for each stage, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act and Council's Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

Dilapidation

- 13 The applicant must supply the Consent Authority and Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and improvements. The report must be submitted to the Consent Authority prior to issue of a Construction Certificate and will be made available by the Consent Authority in any private dispute between the neighbours regarding damage arising from site and construction works. moved MJ Sec JC

Erosion and Sediment Control – Building Sites

- 14 Prior to the issue of a Construction Certificate for Stage 1, the submission to the Principal Certifying Authority of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites or "Soils and Construction – Managing Urban Stormwater" (Blue Book) The design plans must be approved by the Principal Certifying Authority or an appropriately Accredited Certifier prior to issue of the Construction Certificate.

Filling and Haulage

- 15 Prior to the issue of a Construction Certificate for Stage 1, the submission to and approval by the Council as the Roads Authority 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.
- 16 Cut / fill proposed for the development is to be supported by a geotechnical report classifying the material to be excavated and it's suitability for any alternate use.

Landscaping

- 17 Prior to the issue of a Construction Certificate for Stage 1, the submission to the Principal Certifying Authority of a landscape design prepared by an approved consultant in accordance with Council's Landscape Policy L1 for a Category 3 development.

Waste Management

- 18 A revised Waste Management Plan (WMP) is to be submitted to and approved by Council prior to the issue of the Construction Certificate for each stage. The WMP is to include details of the re-use and disposal of waste generated during the demolition and construction stages as well as the ongoing management of the site.

Roads

- 19 Separate approval from the Roads Authority must be obtained under the Roads Act 1993 prior to the issue of a Construction Certificate for any works within a Council road reserve. Design plans must be submitted to and approved by the Roads Authority prior to issue of the Construction Certificate.
- 20 The provision of additional civil works necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development at no cost to Council. Design plans are to be approved by the Roads Authority prior to the issue of a Construction Certificate.
- 21 The submission of a plan of management to Council for approval under the Roads Act/Local Government Act for any works for the development that impact on any public roads or public land for the construction phase of the development, prior to that section of work commencing. The plan is to include a Traffic Control Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas. This plan must be certified by an appropriately accredited/qualified person.
- 22 The provision of a vehicular access crossing minimum 5.5m wide and footpaving for the full frontage of the development site in Bayview Ave. All works shall be in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by the Roads Authority prior to the issue of a Construction Certificate for Stage 1.
- 23 The ongoing protection of the existing palm tree adjacent to the proposed access in Bayview Ave from entry and exit vehicle movements. The design details must be approved by the Roads Authority prior to the issue of a Construction Certificate for Stage 1.
- 24 The protection of the existing palm trees in Bayview Ave from all works associated with the development. Details of all tree protection and management of works must be approved by the Roads Authority prior to the issue of a Construction Certificate for Stage 1.

SEPP 65

- 25 The certifying authority must not issue a Construction Certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

Stormwater

- 26 The provision of a stormwater system with water quality control facilities required to treat stormwater runoff from the development in accordance with Australian Runoff Quality – A guide to Water Sensitive Urban Design and Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development. Design plans must be submitted to and approved by the Principal Certifying Authority prior to issue of a Construction Certificate and shall include:-
- a. Piped drainage to cater for the 5%AEP stormwater event
 - b. Overland flow paths to cater for storm events greater than the 5% AEP event.
 - c. Piped drainage is to cater for the 1% AEP storm event where overland flow paths cannot be obtained for flows up to the 1% AEP event.
 - d. The principles of Water Sensitive Urban Design may be applied in order to achieve water quality requirements.
 - e. On site detention with maximum permissible site discharge of 70 litres/ second.
 - f. Water quality modelling and all supporting calculations of the proposed drainage system shall be submitted to and approved by Council prior to issue of the construction certificate.
 - g. Gravity drainage to Council's external drainage system in accordance with AS/NZS3500.3 – Stormwater Drainage.
 - h. The piped drainage system across council's footpath area to the proposed drainage pit shall consider existing services.
 - i. Drainage pits at the boundary line
 - j. The proposed external drainage design and construction shall be in accordance with Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development
 - k. The reinstatement of the area within Ocean Pde affected by the construction of the proposed external stormwater drainage system.
- 27 Drainage from the roof area will need to satisfy the requirements for the Australian Guidelines for Water Recycling (Stormwater Harvesting and Reuse) prior to entry to the reuse tank system.
- 28 Drainage from the basement carpark area shall be controlled to ensure removal of litter, sediment and oil/grease prior to entering Council's stormwater system. The pollution control device shall meet the requirements of Australian Runoff Quality – A guide to water sensitive urban design. Drainage from the basement area shall not be directed to the reuse tank without meeting the Australian Guidelines for Water Recycling (Stormwater Harvesting and Reuse)
- 29 Drainage from the refuse area and carwash space shall be directed to Council's sewer system via a pumping system approved by Council as the Water Supply Authority and incorporated into a trade waste agreement.

Vehicle Access and Parking

- 30 The design of the carpark in accordance with AS2890. The design compliant with AS2890.1 is to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate and shall include:-
- Visitor space V3 shall be widened by 100mm each side
 - Column spacing in car spaces shall be in accordance with section 5.2 of AS/NZS 2890.1.

- Disabled car spaces shall be adjusted to comply with AS/NZS 2890.6.
 - The internal curved ramp lane widths shall be increased to 3.4m for each lane in accordance with table 2.2 of AS/NZS 2890.1.
 - The entrance to the carpark from the road entry ramp will require adjustment to allow an 85th %ile vehicle to pass a 99th %ile vehicle. The entry shall be adjusted generally in accordance with the submitted plans as amended in red on plan No29024 DA04-B.
 - The placement of convex a mirror at the bottom of the ramp to the lower floor carpark level to advise turning vehicles of the presence of opposing turning vehicles.
- 31 The design of the internal access in accordance with AS2890. The design compliant with AS2890.1 is to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate and shall include:-
- a. The internal access / entry ramp shall be adjusted to ensure the width is a minimum of 5.5m plus 300mm each side where a kerb or wall height is greater than 150mm.
 - b. The access ramp grade from the property boundary shall be 5% for the first 12m into the property. This length shall include the control point and the area required queuing. This will allow for vehicles to reverse out of the access if access is denied.
 - c. The remainder of the access shall be graded to the basement level in accordance with the grade and change in grade requirements in AS/NZS 2890.1.
- 32 Access to the proposed development site is to ensure sight distance for pedestrians is maintained at the property boundary in accordance with AS2890.1. Design details are to be approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

Water and Sewer Services/Infrastructure

- 33 All water and sewer works or works impacting on water and sewer assets are to be designed and constructed to the requirements of Wyong Shire Council as the Water Supply Authority under the Water Management Act 2000. The requirements of Section 306 of the Water Management Act, 2000 which apply to this development, are detailed in the Section 306 requirements letter attached to the consent. All works required in the Section 306 letter must be shown on the design plans. The design plans must be submitted to and approved by Council prior to the issue of a Construction Certificate.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Approved Plans

- 34 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.

Acid Sulphate Soils

- 35 Should acid sulphate soils be identified as part of the development works, an Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified consultant and works completed in accordance with this plan.

Acoustic

- 36 Construction or demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction or demolition is to be carried out at any time on a Sunday or a public holiday.

Construction

- 37 Any excavation below the level of footings of buildings on adjoining allotments requires the preservation and protection of the buildings from damage, and if necessary, underpinning and support of the building in a manner certified by a Practising Structural Engineer. In circumstances where the excavation could result in damage to the adjoining property, underpinning works shall be undertaken immediately after excavation works are completed. Alternatively, the approved retaining walls shall be constructed. The owner of the adjoining property must be given written notice of the intention to excavate and provided with details of the proposed work at least seven (7) days prior to excavation. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

Demolition

- 38 Building demolition work is to be carried out in accordance with the requirements/provisions of the AS2601-2001 - The Demolition of Structures.
- 39 Prior to the demolition and/or removal of existing structures on site, all existing services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer. A Start Work Docket must be submitted to Council and Council's Plumbing and Drainage Inspector must certify that the works have been undertaken to the satisfaction of Council.
- 40 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*.
- a the person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
 - b 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 material is to be delivered.

Dilapidation

- 41 A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.
- 42 Prior to the commencement of any works on site the public road, kerb and gutter and footpath adjoining the site is to be inspected for damage by the builder and the owner and any damage is to be photographed and documented and submitted to Council as a record of the condition of these areas. Should this information not be submitted it will be assumed that any damage to these areas at the completion of the development is due the construction works and the builder/owner will be responsible for the rectification of these areas.

Dust Control

- 43 Appropriate measures shall be employed by the applicant/owner during demolition, excavation and construction works to minimise the emission of dust and other impurities into the surrounding environment to the satisfaction of the Certifying Authority.
- 44 In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to eliminate the problem to the satisfaction of the Certifying Authority.

Dial before you Dig

- 45 Prior to the commencement of work, contact should be made with the National Community Service "*Dial before you Dig*" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

Erosion and Sediment Control

- 46 The provision of soil erosion and silt controls on the site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 47 Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 48 The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

- 49 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

General

- 50 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

Other Authorities

- 51 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Plumbing and Drainage

- 52 Council as the water supply authority, or in unsewered areas where an onsite sewage management facility is to be installed, Council is to be notified to undertake inspections of the internal drainage, (prior to the pouring of the concrete slab), and external drainage prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's customer services section on 4350 5555 a minimum of 24 hours prior to the required time for the inspection. **Note: All drainage inspection fees are to be paid to Council prior to these inspections being undertaken.**

Site Requirements

- 53 Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a be a standard flushing toilet connected to a public sewer; or
 - b have an on-site effluent disposal system approved under the LGA 1993, or be a temporary chemical closet approved under the LGA 1993 supplied by a licensed contractor.

- 54 The provision of a metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) in accordance with the requirements of DCP 2005, Chapter 100 – Quality Housing, on site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. **Note: On the spot fines may be imposed by Council for pollution incidents.**
- 55 In accordance with the requirements of Council's Development Control Plan 2005, Chapter 69 - Controls for Site Waste Management, an on site storage area for reuse, recycling and disposal of materials is to be provided during construction. Concrete, brick, tile and excavation material is to be given first priority for reuse and recycling.
- 56 Boundary fencing must be provided prior to commencement of construction to ensure no access through the reserve shall be allowed without first obtaining written permission from Council's Open Space and Recreation Section. No clearing or damage to any vegetation on the reserve is permitted. No spoil, fill, waste liquids or solid materials shall be stockpiled on or allowed to move beyond the fence line for any period on the adjoining reserve during or after the development. In the event of accidental damage, the site must be revegetated to the satisfaction of Council.
- 57 All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 58 No works, vehicles or materials are permitted within the footpath, reserve or adjacent allotment areas highlighted on the approved site plan.
- 59 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.
- 60 The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.
- 61 All piercing / piling works shall be carried out under the supervision of a qualified geotechnical engineer and structural engineer with certification that all piercing / piling is founded as identified in the geotechnical engineers and structural engineers reports.

Survey Reports

- 62 To ensure that siting, height and view sharing objectives are achieved, a survey of each floor level must be undertaken by a registered surveyor and submitted to the Principal Certifying Authority prior to the wall frames being erected. The survey is to detail that the boundary setbacks and finished floor levels are in accordance with the approved plans. In the case of roof structures the level of the roof ridge must be confirmed prior to the fixing of the roof cladding.
- 63 All trees proposed on site in particular the date Palms are to have setbacks applied in accordance with Australian Standards 4970 2009. This is to be overseen by an AQF 5 Arborist. This will be identified as the structural root zone and all Date Palms are to be retained and applied root zones enforced as per 4970 2009. No works, storing of materials or excavation is to occur within the Structural Root Zone of the trees.

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

Acoustic Requirements

- 64 Basement ventilation appliances and outlets are to be placed and directed toward the frontage of Ocean Parade or Bayview Avenue and not toward neighbouring private properties.

Amenity

- 65 Any equipment required for refrigeration, air-conditioning, heating and the like must be located on the subject land and/or must be suitably insulated for the purpose of reducing noise emissions and should not project beyond the roofline or from an external wall, to the satisfaction of the Responsible Authority.

BASIX

- 66 Pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed in the BASIX Certificate for the development are fulfilled. All work is to be satisfactorily completed prior to the issue of the Occupation Certificate.

Building Code of Australia

- 67 Compliance with the relevant provisions and requirements of the Building Code of Australia.

Certificates/Engineering Details

- 68 Prior to the occupation of the building, an application for an Occupation Certificate for each stage for the development must be submitted to and approved by the Principal Certifying Authority.
- 69 The provision of Works as Executed information as identified in Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development prior to issue of the Occupation Certificate. The information is to be submitted in hard copy and in electronic format in accordance with Council's "CADCHECK" requirements. This information is to be approved by Council prior to issue of the Occupation Certificate.

- 70 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.
- 71 Certification from a qualified structural/civil engineer shall be submitted prior to occupation that all piling / piling, foundations, load bearing retaining walls, underground tanks and structures as built have been constructed in accordance with the submitted plans, accepted practice, and that the structure is stable and capable of catering for all anticipated loads.

Consolidation

- 72 The consolidation of Lots 7, 8, 9 and 10 in DP 17377 into one lot by registered subdivision prior to the issue of the Occupation Certificate for the first stage of development.

Dilapidation

- 73 Any damage not shown in the Dilapidation Reports submitted to Council and the Principal Certifying Authority 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.

External Materials

- 74 The completed development must be in compliance with the external colours and materials submitted with the application and as shown on the materials board / model / photomontage.

Filling and Haulage

- 75 The making good to the satisfaction of Council, or payment of the costs incurred by Council in making good, any pavement damage or structural deterioration caused to Council's roads by the use of such roads as haulage routes for materials used in construction or the operation of the approved development, prior to issue of the Occupation Certificate.

Landscaping

- 76 The provision and maintenance of landscaping in accordance with Council's Policy Number L1 - Landscape for a Category 3 development. All landscaping works are to be completed prior to the issue of an Occupation Certificate and a landscape implementation report from the approved landscape consultant is to be submitted to the Principal Certifying Authority.
- 77 The communal open space between the two buildings is to be completed and landscaped prior to the issue of the Occupation Certificate for Stage 1.
- 78 All trees proposed within the landscape concept plan are to be minimum 100 litre and all trees proposed at the front facing the road are to be a minimum 200 litre.

Civil Work Certification/Restrictions

- 79 All civil works requiring approval of the Principal Certifying Authority and/or Council are to be completed prior to the issue of the Occupation Certificate. These include, but are not limited to the following:-
- Access construction.
 - All external roadworks
 - Footpaving
 - Drainage works
 - Water and Sewer works
 - Carparking
- 80 An 88B restriction and positive covenant shall be included on the property title for the structure, operation and ongoing maintenance of the on site detention system. It shall be approved by Council prior to issue of the Occupation Certificate.

Roads

- 81 All works requiring Council's approval as the Roads Authority under Section 138 of the Roads Act 1993 must be approved by Council prior to issue of an Occupation Certificate. All details are to be in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.
- 82 The replacement of all damaged / failed kerb and guttering and road pavement in Bayview Ave where it fronts the development site. The extent of works shall be determined by Council as the Roads Authority. All works are to be in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.

SEPP 65

- 83 The certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

Site Requirements

- 84 The existing structures at No 11 and No 13 Bayview Avenue are to be demolished and the sites re-established to a safe standard prior to the issue of the Occupation Certificate for Stage 1 of the development.

Stormwater

- 85 The stormwater system with water quality control facilities to treat stormwater runoff from the development discharging into Council's system or public land must be approved by the principal certifying authority prior to issue of the Occupation Certificate.
- 86 The stormwater system contained within public land must be approved by Council under Section 68 of the Local Government Act prior to issue of the Occupation Certificate
- 87 The prevention of any obstruction of surface or sub surface drainage that could result in the disruption of the amenity, drainage or deterioration to any other property. Works are to be satisfactorily completed prior to issue of the Occupation Certificate.

Vehicle Access and Parking

- 88 The construction of the carpark and accesses in accordance with AS2890.1. Certification of the construction by a suitably qualified consultant is to be provided prior to issue of the Occupation Certificate.
- 89 The car wash bay must be bunded in accordance with AS1940–1993 and AS/NZS4452–1997, covered and discharges directed to sewer in accordance with Council's Trade Waste requirements. A separate trade waste approval is required.
- 90 The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's Development Control Plan No 67 - Engineering Requirements for Development. All works must be approved by Council.
- 91 The rectification of any damage to the footpath, including damage to any street trees or kerb and gutter, at no cost to Council.
- 92 The design and construction of a driveway with a decorative finish in the location shown on the approved plans. All works are to be completed prior to release of the Occupation Certificate.
- 93 Prior to release of the Occupation Certificate for Stage 1 the restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. All works must be approved by Council under the Roads Act.

Waste Management

94 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards:

- Floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface;
- Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
- All intersections between the walls and floors shall be coved with coving having a minimum radius of 25mm;
- All entry points into the room must be bunded to prevent the escape of liquid waste. Bunding shall be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users;
- Adequate ventilation shall be provided;
- Adequate lighting shall be provided;
- The ceiling must have a minimum height of 2.1m from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
- Waste storage areas shall prevent the access of vermin;
- Waste receptacles used shall be compatible with Wyong Council's waste collection service;
- The door to the storage area shall be weatherproof and shall be openable from the inside at all times;
- Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.

Water and Sewer Services/Infrastructure

95 All water and sewer works for the development must be approved by Council prior to the issue of an Occupation Certificate for each stage.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

Amenity

- 96 Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.
- 97 Lighting of pedestrian access, communal open space and vehicle access areas is to be provided in a manner that satisfies the "Safer by Design" principals established under the "*Crime Prevention Through Design*" guidelines while ensuring that illumination does not impact the amenity of neighbouring properties.
- 98 Air conditioning and ventilation appliances shall comply with noise regulations for residential development in an urban environment.

Landscaping

- 99 All landscaping is to be maintained to maturity through the use of mulch and watering and allowed to achieve their natural height to the satisfaction of the Consent Authority. Where any approved landscaping dies or is substantially damaged within 5 years of planting, it must be replaced and maintained to maturity.

Stormwater

- 100 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

Vehicle Access and Parking

- 101 The placement of waste bins (240 litre or less) for weekly pick-up shall be confined to the frontage of the development site in Bayview Avenue. Bins are not to be placed adjacent to neighbouring properties.
- 102 Collection of bulk bin (600 litre) waste shall be undertaken in a manner that does not involve the placement of the bin in the public road reserve.

Waste Management

- 103 No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence to any person(s) outside the subject land.

SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$3,807.80
Shire Wide Performing Arts Centre & Public Art	\$8,814.55
Shire Wide Administration	\$1,691.45
The Entrance/Long Jetty Open Space Land	\$8,920.30
The Entrance/Long Jetty Open Space Works	\$52,009.55
The Entrance Community Facilities Land	\$41,976.60
The Entrance Community Facilities Works	\$53,608.10
The Entrance Water DSP	\$43,797.85
The Entrance Sewer DSP	\$28,551.00
The Entrance/Long Jetty Roads	\$164,993.90