

**MINUTES OF THE HUNTER & CENTRAL COAST  
JOINT REGIONAL PLANNING PANEL MEETING  
HELD AT WYONG SHIRE COUNCIL CHAMBERS  
ON THURSDAY, 29 MARCH 2012 AT 11.15 AM**

**PRESENT:**

Jason Perica	Chair
Bob McCotter	Panel Member
Kara Krason	Panel Member
Cr Doug Eaton	Panel Member
Cr Sue Wynn	Panel Member

**IN ATTENDANCE**

Peter Fryar	Manager, Development Assessment, Wyong Council
Jenny Webb	Senior Development Planner, Wyong Council
Jane Doyle	Senior Admin Support Officer, Wyong Council
Rod Smith	Development Engineer, Wyong Council
Ross Peden	CEO - Christadelphian Homes Ltd
Martin O'Toole	Architect
Adam Byrnes	Town Planner for the Applicant

- 1 The meeting commenced at 11.50 am

The Chair welcomed everyone to the meeting of the Panel.

2. **Declarations of Interest** - Nil

3. **Business Items**

**ITEM 1 -** 2011HCC036 - Wyong Council, DA/673/2011, Additions to an existing Aged Care Facility, 1-20 Village Way, Canton Beach

4. **Public Submission –**

Adam Byrnes (Town Planner for the Applicant) addressed the Panel in favour of the item.

## 5. The Panel's Decision

2011HCC036 - Wyong Council, DA/673/2011, Additions to an existing Aged Care Facility,  
1-20 Village Way, Canton Beach

Moved by **Cr Eaton** Seconded by **Bob McCotter**

### RECOMMENDATION

- 1 *The Joint Regional Planning Panel grant consent to DA/673/2011, subject to the conditions in the report to the Joint Regional Planning Panel on the 29 March 2012 as amended at the meeting.*
- 2 *That the Joint Regional Planning Panel commends an initiative that the APZ shown in purple to the west of the proposed EEC restoration area shown on the plan on Page 26 of Council's report being revegetated with EEC species, provided this is acceptable to RFS and LPI.*

NOTE: The following conditions, outlined below in **yellow**, were amended during the meeting of the Joint Regional Planning Panel on the 29 March 2012

### MOTION CARRIED

The meeting concluded at 12.50 pm.

Jason Perica  
Acting Chair  
Hunter & Central Coast  
Joint Regional Planning Panel  
Date: 14 April 2012

## DRAFT CONDITIONS OF CONSENT

**Date:** 16 February 2012  
**Responsible Officer:** Jenny Webb  
**Location:** Lakefront Village, 1-20 Village Way, CANTON BEACH NSW 2263  
Lot 496 DP 755266, Lot 600 DP 728966, Lot 602 DP 728967  
**Owner:** Christadelphian Homes Ltd  
**Applicant:** Christadelphian Homes Ltd  
**Date Of Application:** 4 August 2011  
**Application No:** DA/673/2011  
**Proposed Development:** Additions to an existing Aged Care Facility comprising a proposed Residential Care Facility containing 95 beds and ancillary works  
**Land Area:** 49320.00

## PROPOSED CONDITIONS

### Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans listed below and supporting documentation, except as modified by any conditions of consent. **and any amendments made by Council in red on the approved plans:**

Title	Drawing No.	Revision	Date	Drawn By
Approved and Proposed Site Plans	08-225 A01	C	7/11	Martin O'Toole Architects
Ground Floor Plan	08-225 A02	C	7/11	Martin O'Toole Architects
First Floor Plan	08-225 A03	C	7/11	Martin O'Toole Architects
Roof Plan	08-225 A04	C	7/11	Martin O'Toole Architects
Set-Out Plan	08-225 A05	C	7/11	Martin O'Toole Architects
Elevations and Sections	08-225 A06	C	7/11	Martin O'Toole Architects
Carparking Plans	08-225 A07	C	7/11	Martin O'Toole Architects
<b>Plan of Existing Tree</b>	<b>08-225 A08</b>	<b>C</b>	<b>7/11</b>	<b>Martin O'Toole Architects</b>

Contour and Detail Plan	9898K	A	26/7/11	Rolls & Associates Surveyors
Concept Stormwater Plan	89024411-C01 and C02	2	29/7/11	Cardno (NSW/ACT) Pty Ltd
Concept Erosion and Sedimentation Control Plan	89024411-C03	2	29/7/11	Cardno (NSW/ACT) Pty Ltd
Landscape Plan	11.6.1 Sheets 1 and 2	B	13/7/11	Wallman Partners Pty Ltd
Flora and Fauna Assessment	A10008F2	-	July 2011	Travers Bushfire and Ecology
Vegetation Management Plan	A10008V	-	28 July 2011	Travers Bushfire and Ecology
Preliminary Acid Sulphate Soil Investigation and Acid Sulphate Soil Management Plan	90215	-	23 July 2011	Barker Harle Consulting Engineers
Bushfire Hazard Assessment Report	80316C	-	26 July 2011	Building Code & Bushfire Hazard Solutions Pty Limited
Access Report	AR1106/053 C	-	14 July 2011	AJA Access Consultants
Traffic Impact Assessment	2929	-	July 2011	Christopher Hallam & Associates Pty Ltd
Building Code of Australia Compliance Report	-	B	28 July 2011	Tom Miskovich & Associates
Concept Water Cycle Management Plan	8902 44.11	3	July 2011	Cardno (NSW/ACT) Pty Ltd

Add list of relevant consultant reports

### Certificates – Application and Approval

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

- 4 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Application for Civil Works and Subdivision Works must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

## **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.***

### **Bush Fire Requirements**

- 5 The proposed development has been assessed against the provisions of *Planning for Bushfire Protection 2006 (NSW)* and has been determined as having a Bushfire Attack Level (BAL) of 12.5. Prior to the issue of a Construction Certificate, construction details demonstrating compliance with *AS3959-2009 – Construction in Bushfire Prone Areas* and additional measures contained in *Section A3.7 Addendum Appendix 3 of the PBP Guidelines* for the nominated BAL must be provided for the approval of the Accredited Certifier.

### **Contribution Payment Requirements**

- 6 Prior to the issue of a Construction Certificate, the payment to Council of contributions (as contained in the attached Schedule, unless the applicant can demonstrate that such a contribution is not required by the Ministerial Direction under S94E of the Environmental Planning and Assessment Act, 1979, (dated 14 September 2007) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A 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.

### **Dust Control Requirements**

- 7 Prior to the issue of a Construction Certificate, suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and be maintained for the duration of construction works on the site.

### **Ecology/Tree Requirements**

- 8 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

## Erosion and Sediment Control – Design Requirements

- 9 Prior to the issue of a Construction Certificate, design drawings for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways must be provided for the approval of the Accredited Certifier. Required design drawings must include all major stages of construction and sequences of work together with treatments necessary at each of these stages. The design drawings must be prepared in accordance with the Landcom publication *'Soils and Construction – Managing Urban Stormwater'* (Blue Book).

## Landscaping Design Requirements

- 10 Prior to the issue of a Construction Certificate, landscape design drawings, prepared by an approved consultant, must be provided for the approval of the Accredited Certifier. Such landscape design plans must be prepared in accordance with Council's Landscape Policy L1 for a Category 3 development and clearly identify the replacement of the 57 trees proposed to be removed from the site.

## Roadworks - Design Requirements

- 11 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements for the full length of Village Way:
- Kerb and guttering or an approved alternative suitable to Council for the full street frontage of the development on both sides of Village Way. The application of Water Sensitive Urban Design may be included to satisfy this requirement.
  - Minimum 6.5m road pavement construction adjoining the proposed kerb and guttering. This condition shall require a widening of the existing pavement to 6.5m or the reconstruction of the existing pavement to 6.5m wide to match proposed kerb and guttering.
  - Street stormwater drainage systems to accommodate the approved kerb and guttering/swale and road pavement design and construction.
  - Street lighting in accordance with AS/NZS 1158 and AS 4282-1997.
  - Pavement marking and signage.
  - Pavement design catering for  $3 \times 10^5$  equivalent standard axles (a local access street). This condition shall require the upgrade of the existing pavement or demonstration of its suitability to meet the required loadings.
  - Vehicle access crossing(s).
  - Any associated works to ensure satisfactory transitions to existing infrastructure

Required design drawings and required engineering details are to be prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and must be approved by Council as the Roads Authority (including any refinements to the above being approved by Council) prior to the issue of a Construction Certificate.

- 12 The submission to Council of Civil Works design drawings and specifications detailing the provision of a basic right and basic left intersection as identified in Austroads – Guide to Road Design Part 4A for the intersection of Village Way and Evans Road. The design shall include the following design requirements:
- Kerb and guttering or an approved alternative suitable to Council for the length of the required intersection treatment including transitional areas on the western side of Evans Road.
  - The provision of road pavement construction for the full area of the required intersection treatment. The existing pavement shall be widened to accommodate the proposed intersection treatment or the reconstruction of the existing pavement to match the proposed design.
  - stormwater drainage systems including longitudinal drainage to accommodate road widening and extension of the transverse piped drainage culverts immediately south of the intersection to provide for the intersection design.
  - Street lighting in accordance with AS/NZS 1158 and AS 4282-1997.
  - Pavement marking and signage.
  - Pavement design catering for 2x10<sup>6</sup> equivalent standard axles(distributor / bus routes). This condition shall require the upgrade of the existing pavement or demonstration of it's suitability to meet the required loadings.
  - Any associated works to ensure satisfactory transitions to existing infrastructure.
  - The removal of the bus stop on the eastern side of the intersection of Village Way and Evans Road. This will require the agreement of Council and the relevant local bus companies. Alternatively the bus stop shall be moved clear of the proposed intersection and upgraded to current standards in accordance with the requirements of the Australian Human Rights Commission - Accessible Bus Stop Guidelines and the Department of Transport.
  - The upgrading of the bus stop to the north-western side of the intersection of Village Way and Evans Road in accordance with the requirements of the Australian Human Rights Commission - Accessible Bus Stop Guidelines and the Department of Transport

Required design drawings are to be prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and must be approved by Council as the Roads Authority (**including any refinements to the above being approved by Council**) prior to the issue of a Construction Certificate.

- 13 The provision of vehicular access crossings in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. Design drawings must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate and shall require the retention of the existing trees within Village Way included in the designs. The designs shall comply with AS/NZS2890.2 where heavy vehicles are expected to access.
- 14 The provision of a concrete footpath 1.5 metres wide for the full street frontage(s) of the development at the sole cost of the developer. The proposed concrete footpaving is to connect to the existing footpaving in Evans Road and shall consider existing established trees in Village Way as part of the design. The concrete paving is to be 100mm thick with SL72 reinforcement and is to be constructed on 75mm compacted road base and on

compacted sub grade. All other details are to be in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. The design drawings must be approved by Council as the Roads Authority prior to issue of a Construction Certificate.

- 15 The submission to Council of road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee prior to issue of the Construction Certificate.
- 16 Prior to the commencement of detailed design works within any public road, 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.

### **Stormwater Drainage - Design Requirements**

- 17 The provision of a stormwater system with water quality control facilities required to treat stormwater runoff from the development in accordance with Council's Development Control Plan No 67 - *Engineering Requirements for Development*, AS/NZS3500 and Australian Runoff Quality – A guide to water sensitive urban design. The design shall address the stormwater requirements related to the adjacent freshwater wetland in regard to wetting and drying cycles in accordance with Council's requirements and technical guides. The proposed design shall consider the total water quality, quantity and flow discharge rates from the development site. The design shall include:-
  - Plans generally in accordance with Plans submitted by Cardno No 89024411-C01 Rev2, and No89024411-C02 Rev2.
  - The design shall generally be in accordance with the reports by Cardno - Concept Water Cycle Management Plan dated July 2011 and the Hydraulic Design Brief Dated June 2011.
  - All drainage works including swales must be entirely contained within the development site or be covered by appropriate easements.
  - Water quality for storm events up to the 1% AEP storm event are to meet the water quality requirements of Australian Runoff Quality – A guide to water sensitive urban design
  - Preservation of the 30 day low flow duration frequency curve for the dry season (October to January)
  - Preservation of the low flows spells frequency curve for the dry season (October to January)
  - Preservation of the pre development 30 day high flow duration frequency curve for all months
  - Modelling and calculations to demonstrate water quality and quantity and flow discharge rate outcomes.
  - Stormwater tanks reuse system with a total minimum volume of 60,000 litres. Reuse tanks are to be fitted to toilet and external uses.
  - The required stormwater reuse quantity is to be considered in all drainage system modelling for quantity, flow discharge rate, quality and identified flow and spell frequencies. Where it is identified as necessary to adjust stormwater reuse quantities to meet environmental flows from the site, the reuse amount shall be adjusted accordingly.
  - Stormwater harvesting shall be in accordance with the requirements of the Australian Water Quality Management Strategy – Australian Guidelines for Water Recycling: Managing Health and Environmental Risks – Stormwater Harvesting and Reuse.
  - Overland flow paths for events greater than the design storm event are to be suitably stabilised in accordance with Council's Development Control Plan 2005 Chapter 67 and Landcom's "Managing Urban Stormwater – Soil and Construction" (the Blue Book)



- All stormwater outlets including existing outlets are to ensure flows are dispersed prior to exiting the site. This shall require the installation of level spreader and dissipater device at all stormwater outlets including existing stormwater outlets.

Adjustment to the existing water quantity, quality and flow duration devices within the site will be necessary to satisfy the above requirements. All supporting calculations and modelling must be prepared and certified by a suitably qualified engineer. Design plans and all supporting calculations and modelling must be approved by the Accredited Certifier prior to issue of the Construction Certificate for these works.

- 18 Stormwater drainage works external to the site and / or discharging into a public system or public land requires approval from Council under Section 68 of the Local Government Act 1993. Detailed design drawings prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

### **Structural Design Requirements**

- 19 Prior to the issue of a Construction Certificate, the final drawings are to be submitted to the Mine Subsidence Board for approval and are to include a certification by a qualified structural engineer, to the effect that any improvements, constructed to meet the specifications of such final drawings, will be safe, serviceable and repairable, taking into account the following mine subsidence parameters:
  - (a) Maximum vertical subsidence of 150mm.
  - (b) Maximum ground strains of  $\pm 1$  mm/m.
  - (c) maximum tilt of 2 mm/m.
- 20 Architectural plans submitted to the Mine Subsidence Board for approval must show the location and detailing of articulation/control joints in brickwork, taking into consideration the subsidence parameters listed in condition 18 and the requirements of the Building Code of Australia.

### **Vehicle Access and Parking - Design Requirements**

- 21 The submission of road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities for the internal access roads and carparking area. This shall be submitted to Council for approval by the Local Traffic Committee prior to issue of the Construction Certificate.
- 22 The submission of a detailed internal traffic management plan by a suitable qualified traffic engineer for the development. The detailed internal traffic management plan shall be approved by the Accredited Certifier and shall include but not be limited to:-
  - Parking restrictions, signage, pavement markings and traffic management facilities for the access roads and both the southern (rear) and northern (front) carparking areas.
  - Separation of the southern drop off area from through traffic on the access road with median island construction, signage and linemarking generally as identified on the plan by Martin O'Toole Architects No08-225 sheet B1 C as amended in red. The drop off area shall be identified as one way south to north.
  - The northern (front) accesses and carparking shall be identified as one way east to west. The exit road from the front carpark shall be back to village way by the shortest route considering existing trees and shall not connect to the existing roundabout to the west.

- Appropriate signage and linemarking for the direction of visitors and service vehicles to the various areas of the proposed development.
  - The speed limit on the internal access roads and proposed traffic calming facilities in accordance with AS/NZS2890.1
  - Pedestrian management plan indicating pedestrian desire lines, pathway provisions safe road crossing provisions and restrictions.
- 23 The submission to the Accredited Certifier of a detailed car parking and access design. The design shall include:
- Minimum width of the circulating roadways shall be in accordance with AS/NZS2890.2 Table 3.1 for the largest expected design vehicle to access the site.
  - Entry to and exit from the site shall be in a forward direction for all vehicles.
  - Access to the service bay areas shall comply with AS/NZS2890.2 Section 4.3 including the requirements of 4.3.1 (a) for the largest expected design vehicle to access each loading bay.
  - Pavement marking and signage in accordance with AS/NZS2890.1/2.
  - Car spaces classified as user class 3 in accordance with AS/NZS2890.1. The design of all carparking spaces and aisles shall be in accordance with this user class or as adjusted in accordance with AS/NZS2890.1 Section 2.4.2 – Angle Parking Aisle.
  - The entire front (northern) carparking module / area, including area required for aisles and manoeuvring, shall be contained within the development site boundaries.
  - The carpark to the front (north) of the development entry shall be identified for visitor carparking only.
  - The drop off areas to the front (North) of the development and rear (south) of the development shall be identified with appropriate signage and pavement marking.
  - The proposed ambulance bay to the front (northern) carparking area shall not impact on any car spaces entry and exit.
  - The design of all parallel carparking spaces in accordance with AS/NZS2890.1
  - Parallel parking spaces shall be identified as staff parking only.
  - Disabled car spaces in accordance with AS/NZS 2890.6.
  - Wheel stops on all carparking spaces.
  - Footpaving and kerb and gutter works shall comply with Development Control Plan 2005 Chapter 67 – Engineering Requirements for Developments and AS1428.
  - Pavement design to cater for the largest expected design vehicle and axle loadings
  - Minimum pavement surface of asphaltic concrete.
  - Traffic control devices shall be provided as per AS/NZS 2890.1
  - Wheel stops will be required on all angled parking spaces.
  - Connection to Village Way shall be via approved access crossings.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

- 24 The submission to the Accredited Certifier of lighting design drawings for the carpark, access roads and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

### **Water and Sewer Services - Design Requirements**

- 25 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this

consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the 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.*

### Ecology/Trees Requirements

- 26 Prior to commencement of works and for the duration of the development appropriate actions are to be put in place to ensure compliance with the recommendations of the Flora and Fauna Assessment prepared by Travers Bushfire and Ecology dated July 2011 Reference No A10008F2 and the implementation of the Vegetation Management Plan prepared by Travers Bushfire and Ecology dated 28 July 2011 Reference No A10008V.
- 27 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:
  - The EEC restoration area shall be established with seeds from EEC species taken from the site and appropriate endemic tube stock, with details approved by Council. Planting is to occur prior to the commencement of building works.
  - Trees and vegetation to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Arborist and/or Ecologist's direction, AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*.
  - Erection of tree protection measures is to be confirmed to Council's Development Ecologist in writing by the Arborist and/or Ecologist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works.
  - All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself.
  - No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.
  - The Arborist and/or Ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the Arborist and/or Ecologist), prior to works being carried out around that particular habitat or tree.
  - The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
  - The Ecologist and Arborist are to induct each civil contractor and sub-contractor in relation to the importance of these ecological protocols as part of their site induction program prior to commencement of works. Certification of this induction must be provided to Council prior to commencement of works.

- 28 Prior to works associated with the development commencing, all trees nominated for retention are to be suitably protected by fencing or other accepted protection method in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. All required tree protection measures are to be maintained for the duration of construction works.
- 29 Prior to works associated with the development commencing, all street trees are to be protected by the installation of a protective fence to the canopy perimeter. Any street tree damaged during building works must be replaced, at no cost to Council, with a tree of similar height and species. **Note:** The driveway and associated footpath crossing is to be located clear of the street trees.

### **Erosion and Sediment Control Requirements**

- 30 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development 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.
- 31 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

### **Filling and Haulage Requirements**

- 32 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.

### **Roads - Preconstruction Requirements**

- 33 Prior to commencing any works upon public roads the developer will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
  - Obtain a copy of Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development*. This is Council's Specification for Civil Works and is available on Council's web site.
  - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 34 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding **Roads and Maritime Authority (RMS)** accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.

- 35 The submission of a plan of management for any works for the development that impact on existing internal road related or carpark areas or areas used by the public / retirement village community 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 internal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over areas used by the public. The safety of the public, residents and staff shall be addressed. This plan must be certified by an appropriately accredited/qualified person.
- 36 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation 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. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

### Site Requirements

- 37 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development 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 required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 38 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
  - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 39 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.

## During Construction Works:

*The following conditions must be satisfied during construction works.*

### Acid Sulphate Soils – Construction Requirements

- 40 Upon completion of excavation works, documentary evidence is to be provided for the approval of the Principal Certifying Authority demonstrating compliance with the requirements of the Acid Sulphate Soils Management Plan submitted with respect to the

### **Approved Plans**

- 41 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.

### **Dust Control Requirements**

- 42 Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

### **Earthworks and Haulage - Construction Requirements**

- 43 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.

### **Ecology/Trees - Construction Requirements**

- 44 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as "tree to be removed" shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.
- 45 Council is to be notified as soon as practicable (and not more than twenty-four (24) hours after) if a breach of these ecological protection conditions occurs.
- 46 Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, as excavation or filling can lead to tree instability or death.
- 47 All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*.
- 48 If canopy thinning is required to achieve Bushfire Asset Protection Zone then it shall be conducted selectively. Those trees with poor health shall be removed prior to those of with good health. Selective removal shall also consider maintenance of species diversity. No hollow-bearing trees may be removed to achieve Bushfire Asset Protection Zones. An appropriately qualified Arborist or Ecologist and Bushfire Manager are to be engaged to flag and clearly identify those trees best removed to achieve bushfire asset protection requirements. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

## **Erosion and Sediment Control - Construction Requirements**

- 49 Sand and other materials associated with the construction of the development that could potentially be washed off the site during rain periods, are to be stored behind a suitable sediment control barrier.
- 50 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

## **Plumbing and Drainage - Construction Requirements**

- 51 Council as the Water Supply Authority, under the provisions of the Water Management Act, or in unsewered areas where an onsite sewage management facility is to be installed, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

## **Services/Utility Requirements**

- 52 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 53 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;
  - Ausgrid 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.

## **Site Requirements**

- 54 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.

- 55 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 56 The submission of a Construction and Environment Management Plan (CEMP) to the Principal Certifying Authority for approval prior to the commencement of works. The plan must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.

### **Waste Management Requirements**

- 57 During the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan submitted with the subject application.

## **Prior to Release of Occupation Certificate:**

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

### **Building Code of Australia – Compliance Requirements**

- 58 Prior to the issue of the Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

### **Bush Fire – Compliance Requirements**

- 59 Prior to the issue of an Occupation Certificate, the proposed new building shall comply with section 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'.
- 60 Prior to the issue of an Occupation Certificate, water, electricity and gas services are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- 61 Prior to the issue of an Occupation Certificate, the existing emergency and evacuation planning for the site shall be amended to include the new additions and shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- 62 Prior to the issue of an Occupation Certificate, landscaping within the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.



## **Consolidation**

- 63 The consolidation of Lot 496 DP 755266, Lot 600 DP 728966 and Lot 602 DP 728967 into one lot by registered subdivision prior to the issue of an Occupation Certificate. Documentary evidence of the Consolidation Plan registration with the Land and Property Management Authority must be submitted to the Accredited Certifier prior to the issue of the Occupation Certificate.

## **Dilapidation Rectification Requirements**

- 64 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

## **Disabled Access Requirements**

- 65 Prior to the issue of an Occupation Certificate, access to and throughout the buildings **to be certified by a qualified competent experienced person** as comply with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).

## **Ecology/Tree Requirements**

- 66 Prior to the issues of an Occupation Certificate evidence of compliance with the recommendations and actions of the Flora and Fauna Assessment prepared by Travers Bushfire and Ecology dated July 2011, Reference No A10008F2 and the implementation of the Vegetation Management Plan prepared by Travers Bushfire and Ecology dated 28 July 2011, Reference No A10008V, is to be submitted to Council.
- 67 Prior to the issue of an Occupation Certificate, a final certification report detailing the level of compliance for each stage of the development with all conditions relating to ecology/trees must be prepared by the engaged Ecologist and Arborist and forwarded to Council for review.

## **External Colours/Finishes Requirements**

- 68 Prior to the issue of an Occupation Certificate, the completed development must comply with the schedule of external colours and materials submitted with the application and as shown on the materials board.

## **Filling and Haulage- Completion Requirements**

- 69 All cut/filled areas are to be compacted in accordance with the requirements of AS 3798-2007. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation Certificate.

## **Landscaping Requirements**

- 70 Prior to the issue of an Occupation Certificate, landscaping is to be provided to the development site in accordance with Council's Policy Number L1 for a Category 3 development generally in accordance with the approved landscape plan referred to in Condition 10 of this consent. Required landscaping is to be the subject of an appropriate landscape implementation report from the approved landscape consultant submitted to and approved by the Principal Certifying Authority.

### **Lighting Requirements**

- 71 Prior to the issue of an Occupation Certificate, suitable lighting to the proposed carparking areas and access roads shall be **certified** in accordance with the requirements of AS/NZS 1158, AS 4282-1997 and AS/NZS 2890.

### **Other Authorities – Compliance Requirements**

- 72 Compliance with the general terms of approval of the Mine Subsidence Board dated 6 October 2011 and the Rural Fire Service as outlined in its correspondence dated 28 September 2011.
- 73 Prior to the issue of an Occupation Certificate, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

### **Plumbing and Drainage - Compliance Requirements**

- 74 Prior to the issue of an Occupation Certificate, rainwater tanks of at least 60,000, litre capacity shall be provided in accordance with the requirements the National Plumbing and Drainage Code AS/NZS 3500. The rainwater tanks must be located in such a position as to maximise rainwater collection and shall include, but not be limited to, the retention of water on-site incorporating first flow diversion devices fixed to all inflows, provided with a functioning pressure pump, and plumbed to service all toilets and external uses. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

### **Roads – Compliance Requirements**

- 75 All road signage and pavement marking works must be completed in accordance with the plans approved by the Local Traffic Committee and approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 76 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 77 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

77A All works associated with the development or required by conditions of consent are to be undertaken by the Developer at no cost to Council.

78 The submission to the Council as the Roads Authority of certification from an Accredited Service Provider (ASP) that the street lighting installation has been completed in accordance with AS/NZS 1158 and AS 4282-1997, the approved design drawings and will achieve a minimum of twenty (20) year design life. The certification must be received by Council prior to the issue of the Occupation Certificate.

### **Stormwater – Compliance Requirements**

79 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

80 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.

### **Vehicle Access and Parking – Compliance Requirements**

81 The provision of all works and activities associated with the detailed traffic management plan, the approved plans, AS/NZS 2890 - Parts 1/2/6 and these conditions of consent. Certification by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

### **Waste Management Requirements**

82 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards prior to the issue of an Occupation Certificate:

- 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 2.1 metres 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; and
- 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 – Compliance Requirements**

- 83 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 Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

### **Work as Executed Requirements**

- 84 prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

## **Ongoing Operation:**

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

### **Bush Fire Compliance Requirements**

- 85 The 20 metre asset protection zones on the adjoining Crown Reserves are to remain in place and must be fuel managed so as to maintain fuel loadings as detailed within Planning for Bushfire Protection Guidelines 2006 (NSW).
- 86 The buildings and the site shall be managed for the life of the development in accordance with the recommendations made in the Bushfire Hazard Assessment Report, prepared by Building Code & Bushfire Hazard Solutions Pty Limited dated 26 July 2011 and submitted with the development application and the Bushfire Safety Authority issued by the NSW rural Fire Service, dated 28 September 2011.

### **Lighting Spill Requirements**

- 87 All external lighting is to be of a type that minimises overspill into retained vegetated areas.

### **Stormwater – Ongoing Maintenance Requirements**

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

#### **Vehicle Access and Parking – Ongoing Requirements**

- 89 Access to and from the site for all commercial vehicles, including waste collection vehicles must only be from the eastern access road.
- 90 Garbage/recycling bins must not be permitted to encroach with the carpark or vehicle manoeuvring areas.
- 91 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.

#### **Waste Management – Compliance Requirements**

- 92 All waste generated on the premises shall be transported to a facility which is licensed to receive that material.