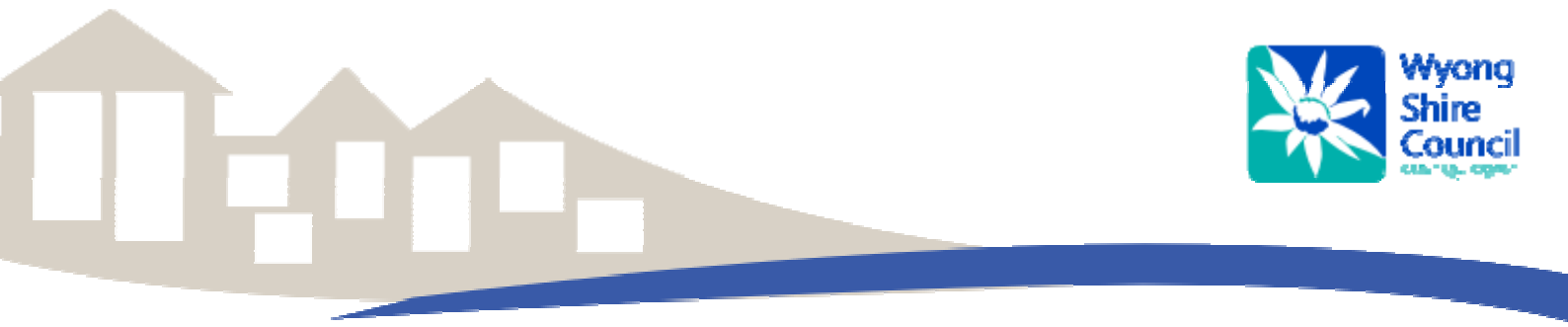


Wyong Shire Council

ORDINARY COUNCIL MEETING

ENCLOSURES

Thursday, 26 April, 2012



WYONG SHIRE COUNCIL
ENCLOSURES TO THE
ORDINARY COUNCIL MEETING
TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON THURSDAY, 26 APRIL 2012 ,
COMMENCING AT 5:00 PM

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**JOINT REGIONAL PLANNING PANEL
(Hunter Central Coast Region)**

JRPP No	2011HCC016	
DA Number	DA/308/2011	
Local Government Area	Wyong Shire Council	
Proposed Development	Demolition of an existing dwelling-house and the construction of six (6) residential flat buildings containing a total of forty-two (42) units and associated works under State Environmental Planning Policy (Affordable Rental Housing) 2009	
Street Address	No 35-41 Wilfred Barrett Drive, The Entrance North	
Applicant/Owner	Celex Pty Ltd H J Clifford and Mr L W Clifford	Mr
Number of Submissions	89 plus a petition with 473 signatures	
Recommendation	Approval with Conditions	
Report by	Jenny Webb, Senior Development Planner	

Assessment Report and Recommendation

WYONG SHIRE COUNCIL

Environment and Planning
Services**Proposed Residential Flat Development comprising 42 Units and Ancillary Works (SEPP Affordable Rental Housing) 2009**

DA No 308/2011

Author: Jenny Webb

SUMMARY

A development application has been received for the demolition of an existing dwelling-house and the construction of six (6) residential flat buildings containing a total of forty-two (42) units and associated works under State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Celex Pty Ltd
Owner	Mr H J Clifford and Mr L W Clifford
Application No	DA/308/2011
Description of Land	Lot 1 DP 862588 and Lot 76 DP 227174, No 35-41 Wilfred Barrett Drive, The Entrance North
Proposed Development	Demolition of existing dwelling-house and construction of six (6) residential flat buildings containing a total of 42 units and associated works
Site Area	6,266m ² (Lot 1 = 4623m ² Lot 76 = 1643m ²)
Zoning	2(a) General Residential Zone
Existing Use	Lot 76 – Dwelling-house and ancillary outbuildings Lot 1 - Vacant
Employment Generation	N/A
Estimated Value	\$7,948,784

Referral to Hunter Central Coast Joint Regional Planning Panel

The proposal is referred to the Hunter Central Coast Joint Regional Planning Panel (JRPP) for determination pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A, Section 6 of the Environmental Planning and Assessment Act, 1979, given the development is for affordable housing and has a capital investment value (CIV) of over \$5 million.

RECOMMENDATION

- 1 That the Joint Regional Planning Panel grant consent to DA/308/2011, subject to the conditions contained in Appendix A.***

- 2** *That those who made written submissions be advised of the decision.*
- 3** *That Wyong Development Control Plan 2005 Chapter 64 – Multiple Dwelling Residential development be varied to permit the development.*
- 4** *That a copy of the determination be forwarded to the NSW Office of Water and the NSW Roads and Maritime Services for information.*

INTRODUCTION

Site and Locality

The subject site comprises two parcels of land, being Lot 1 in DP 862588 and Lot 76 in DP 227174, known as No 35-41 Wilfred Barrett Drive, The Entrance North. The site has an area of 6,266 m² with a frontage of approximately 82 m to Wilfred Barrett Drive and a rear boundary of approximately 110 m, which adjoins a Council owned foreshore reserve adjacent to Tuggerah Lake. Lot 76 contains a single storey dwelling-house and detached garage, which are proposed to be demolished. Lot 1 is vacant, although has been partially filled. The 'Two-Shores' Caravan Park is located immediately to the south of the site and a small residential subdivision of 23 lots, each with a dwelling or dual occupancy, is located to the north of the site. Development on the eastern side of Wilfred Barrett Drive is predominately single detached dwelling houses up to two (2) storeys in height, which have been constructed since the 1965 subdivision of 'Ocean Lakes Estate'.

The natural fall of the land has been altered due to the filling that has taken place on Lot 1, although the site still generally falls from the north-eastern corner to the south-eastern corner of the site, ranging from RL 3.15m Australian Height Datum (AHD) to approximately RL 1.0m AHD. The site is identified as being partially flood affected with the 1% Annual Exceedance Probability (AEP) flood level for the property being RL 2.2m AHD.

The site is largely cleared of trees and native vegetation, although there are nine (9) Norfolk Island Pine trees, which are located on the boundary between the subject site and the Council reserve. These trees have an important visual presence and it is proposed that these trees be retained. The Council reserve does not contain any specific recreation facilities and although it connects to Terilbah Place and Crown land further to the north it does not appear to be readily accessible or used by the public. Due to the vegetation within the Council reserve, the site is identified as being partially bushfire prone land.

Vehicular access to the site is from Wilfred Barrett Drive, which is a classified road under the Roads Act 1993. There is an existing cycleway across the entire street frontage and a bus stop and bus turning bay are located adjacent to the south-eastern corner of the site, opposite Wyuna Avenue. A second bus stop is located on the opposite side of Wilfred Barrett Drive, approximately 45 m to the south of the site. Reticulated water and sewer services are also available from Wilfred Barrett Drive.



Figure 1: Aerial Photograph

Project Description

The development application seeks consent for the demolition of an existing dwelling-house and ancillary outbuildings and the construction of infill affordable housing under SEPP (Affordable Rental Housing) 2009. The proposed development includes six (6) x two storey buildings with a maximum height of 8.5 metres. The buildings have a gross floor area (GFA) of 3,366 m² and comprise a total of forty-two (42) dwellings including:

- 7 x one-bedroom dwellings; and
- 35 x two-bedroom dwellings.

The proposal incorporates five (5) x 1 bedroom adaptable dwellings, which represents 11.9% of the total number of dwellings. Disabled access is provided to the ground floor units only as lifts are not proposed as part of the development.

A total of twenty-two (22) carparking spaces are provided within the proposed basement, with an additional thirty-five (35) carparking spaces proposed at ground level, including five (5) disabled spaces. A combined ingress/egress driveway is proposed from Wilfred Barrett Drive along the northern boundary of the site.

Architectural plans and elevations are included in Appendix B.

Referrals

The development has been referred to the NSW Office of Water (NOW) as integrated development in accordance with Section 91 of the EP&A Act as well as to the Roads and Maritime Services (RMS) as the site is accessed from Wilfred Barrett Drive, which is a classified road.

Following a number of design changes and the submission of additional information in relation to stormwater management, the NOW has granted General Terms of Approval (GTA) for the development.

The RMS initially objected to the proposal, requiring the proposed ingress to be relocated to the north of the site and consolidated with the egress. Following design changes, the RMS

has advised that they have no objection to the proposal subject to a number of conditions. A copy of the correspondence from each authority is included in Appendix C.

The application was also referred to the NSW Police under Council's Crime Risk Protocol, and the Rural Fire Service (RFS) for assessment under Section 79BA of the EP&A Act. Comments from these agencies are discussed further in the report.

The issues raised in the referral process are discussed in the report and where relevant, reflected in the conditions of consent.

Summary

Key issues that were identified as part of the assessment of the subject application included:

- Public opposition to the development and perceived social impacts
- Vehicular access from Wilfred Barrett Drive
- Impact of flooding
- Building design

These issues have now been satisfactorily addressed and approval of the development is recommended, subject to the conditions included in Appendix A.

VARIATIONS TO POLICIES

Clause	9.1.3
Standard	Minimum 10 m ² private open space
LEP/DCP	DCP 2005 Chapter 64
Departure basis	Private open space ranges from 9.5 m ² to 25 m ² (5% variation)

Clause	5.1.1
Standard	Maximum 10 m unbroken wall
LEP/DCP	DCP 2005 Chapter 64
Departure basis	Walls between buildings up to 13 m, although are not visible from public areas or adjoining properties (30% variation)

HISTORY

The subject site comprises two allotments, Lot 76 in DP 227174 and Lot 1 in DP 862588. The following history applies to these properties.

Lot 76 in DP 227174 was registered on 3 November 1965 as part of a 76 lot residential subdivision. Also relevant in this registration was lot 75. A dwelling was approved on lot 76 in 1990.

A two (2) lot subdivision of lot 75 was approved on 3 June 1996, which created Lots 1 and 2 in DP 862588. Development consent for a 21 lot subdivision over Lot 2 was granted in 1995, which established the Terilbah Place subdivision immediately north of the subject site.

DA 856/2009 for an eight (8) lot subdivision over Lots 1 and 76 was lodged in August 2009. Following an initial assessment, the design was modified to a three (3) lot subdivision and was granted development consent on 4 August 2010. Issues relating to the eight (8) lot

subdivision included flooding, filling, sewer servicing, poor access and inadequate residential amenity due to the design layout.

A preliminary meeting was held with Council staff in February 2011 regarding a proposed affordable housing development. Issues raised included neighbourhood character, flooding, climate change, compliance with RMS requirements, retention of trees adjacent to foreshore land, height and road noise.

The subject development application was lodged in April 2011 for 53 units within three (3) residential flat buildings proposed under SEPP (Affordable Rental Housing) 2009. Following an initial assessment, the applicant was requested to provide additional information, including a social impact assessment and a number of concerns were raised with the design of the buildings. The design was subsequently amended to remove a number of first floor units that spanned the carpark and changes were also made to the vehicular access to satisfy the requirements of the RMS. As a result of the changes, the development now proposes six (6) residential flat buildings containing a total of 42 units.

PERMISSIBILITY

The site is zoned 2(a) General Residential Zone pursuant to Wyong Local Environmental Plan 1991 (WLEP 1991). The proposal is defined under WLEP 1991 as comprising six (6) 'residential flat buildings', which is listed as a prohibited land use within the 2(a) zone. Due to the prohibition under WLEP 1991, the application has been made under the provisions of SEPP (Affordable Rental Housing) 2009. The SEPP is the prevailing environmental planning instrument and takes precedence over Council's local controls where there is an inconsistency.

The development application was lodged on 12 April 2011 and at that time, SEPP (Affordable Rental Housing) 2009 permitted the development, subject to development consent. Since the development application was lodged, SEPP (Affordable Rental Housing) 2009 has been amended and would no longer permit the proposed development of residential flat buildings within the 2(a) General Residential Zone. However, the savings and transitional provisions put in place with the amendments have the effect of maintaining the permissibility of the development and the application may be determined as if the amending SEPP had not been made.

An assessment of the proposal against the provisions of the SEPP has been undertaken and is discussed further in the report.

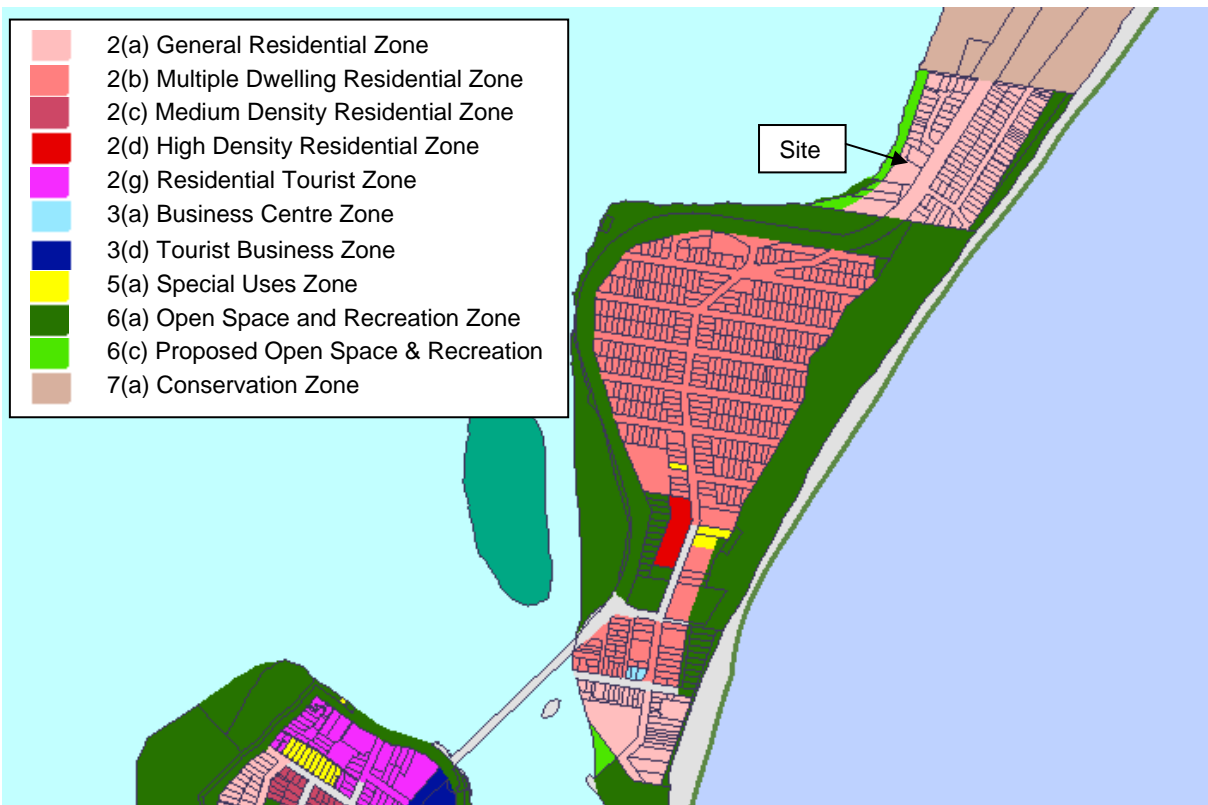


Figure 2: WLEP 1991 Zone Extract

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The application has been assessed against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 71 – Coastal Protection
- Wyong Local Environmental Plan 1991
- Wyong Development Control Plan 2005
 - Chapter 14 – Tree Management
 - Chapter 64 – Multiple Dwelling Residential Development
 - Chapter 67 – Engineering Requirements for Development
 - Chapter 69 – Waste Management
 - Chapter 70 – Notification of Development Proposals
 - Chapter 99 – Building Lines
- Wyong Council Policy - Landscape Guidelines L1
- Wyong Council Policy – Flood Prone Land F5
- The Entrance Peninsula Planning Strategy
- Promoting Choice: A Local Housing Strategy for Wyong Shire
- The Entrance Contributions Plan and Shire Wide Contributions Plan

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered as part of the assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Sustainable Building Design – A BASIX Certificate has been submitted with the application which meets targets for water efficiency, thermal comfort and energy efficiency.

Reduced Car Dependence – The proposed development is within walking distance to a bus stop with hourly services.

Rising Sea Level – The site is located within the coastal zone and is identified as being partly affected, with the 1% Annual Exceedance Probability (AEP) flood level for the property being RL 2.2m AHD. Scientific studies and State Government Policy in relation to climate change, and specifically sea level rise have been published which predict progressively elevated ocean levels over time. Elevated ocean levels have the effect of changing the design flood height proportionally as the water level rises at the lake and ocean interface. In accordance with the recommendations contained within the Flood Risk Management Guide - Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments published by the NSW Department of Environment, Climate Change and Water (DECCW), the upper sea level rise benchmark of 900mm has been added to the flood level applicable to the site. The resulting design flood level for the development is 3.1m AHD (2.2m + 0.9m). As the proposal incorporates a finished floor level of 3.6 m AHD and benefits from a low hazard evacuation path, it is considered that the risk to the development as a result of sea level rise is minimal in this instance.

Coastal Erosion – The site is not identified within the Wyong Shire Coastal Zone Management Plan as being affected by coastal erosion at present or within the 2100 predictions.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-v):

(a)(i) the provisions of any environmental planning instrumentState Environmental Planning Policy (Major Development) 2005

When the development application was lodged, development for affordable housing that has a capital investment value (CIV) of more than \$5 million fell within Part 3 - Regional Development of SEPP (Major Development) 2005 and was to be determined by the JRPP. However, the *Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011* commenced on 1 October 2011 and classes of regional development are now set out in Schedule 4A, of the EP&A Act. Schedule 4A replaces the former classes of regional development set out in Part 3 of SEPP (Major Development). Savings and transitional provisions are set out in Schedule 6A clause 15 of the EP&A Act, although do not specifically apply to the subject development application as development for the purpose of affordable housing with a CIV of more than \$5 million continues to be Regional Development under the new provisions. As such, the JRPP remains as the determining authority.

State Environmental Planning Policy (State and Regional Development) 2011

Part 4 – Regional Development is applicable to the development as affordable housing with a CIV of more than \$5 million is listed within Schedule 4A of the EP&A Act.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The SEPP (Affordable Rental Housing) 2009 was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing in NSW. The SEPP incorporated a number of incentives, including overriding local controls which prohibited certain types of development and providing density bonuses (among other incentives) for affordable housing. On 20 May 2011, changes were made to the SEPP, which included removing certain provisions applying in low density residential areas. The effect of the amendments would result in the prohibition of residential flat buildings for affordable housing, unless they are ordinarily permitted under local controls or another environmental planning instrument.

The subject development application was lodged prior to the May 2011 amendments to SEPP (Affordable Rental Housing) and the savings and transitional provisions in clause 54A of the SEPP maintain the permissibility of the proposed development. In summary, the savings and transitional provisions have the following impacts on the subject application:

- The application may be determined as if the amending SEPP had not been made (i.e. the application may be determined as a permissible land use despite the provisions of WLEP 1991)
- The consent authority must not consent to the development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.
- The floor space ratio provisions of the SEPP (as amended) are applicable.

A full copy of clause 54A is included in Appendix D.

The proposal is for new affordable rental housing, and more specifically 'in-fill affordable housing', which is permitted under Division 1 of Part 2 of the SEPP. A table which summarises the standards contained within SEPP (Affordable Rental Housing) is included in Appendix E. The compliance table in Appendix E relates to the SEPP prior to the May 2011 amendments. While the savings and transitional provisions enable the application to be determined as if the amending SEPP had not been made, they do require the consent

authority to consider the character of the local area and also the amended provisions for floor space ratios. Key aspects of the SEPP are discussed below.

Permissibility and Location Requirements

The proposed development is permissible with consent by virtue of the savings and transitional provisions as previously discussed. The site is zoned 2(a) General Residential Zone under WLEP 1991, which permits dwelling-houses and dual occupancy development but not residential flat buildings. The 2(a) General Residential Zone is equivalent to the R2 Low Density Residential Zone and as such, the infill affordable housing provisions of the SEPP apply to the site. In addition to the zoning, the site must also be located within 400 metres walking distance of a bus stop used by a regular bus service that has at least one bus per hour servicing the bus stop between 6am and 6pm each day from Monday to Friday (both days inclusive). A bus stop is located on Wilfred Barrett Drive, approximately 45 metres to the south of the site. Bus services are operated by the Red Bus Company with one bus per hour servicing the bus stop between 6am and 6pm Monday to Friday. Bus timetables and maps are included in Appendix F.

Floor Space Ratios and Percentage of Dwellings to be Affordable

Clause 54A(4) of the savings and transitional provisions specifies that clause 13(2) (as in force before the amendments made by the amending SEPP) does not apply to development the subject of an existing application and any such application is to be determined by applying instead clause 13 (2) and (3) as inserted by the amending SEPP. Clause 13(2) and (3) of the amending SEPP are as follows:

13 (2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:

(a) if the existing maximum floor space ratio is 2.5:1 or less:

(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or

(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:

AH is the percentage of the gross floor area of the development that is used for affordable housing.

$$Y = AH \div 100$$

(3) In this clause, gross floor area does not include any car parking (including any area used for car parking).

It is proposed to use 50% of the dwellings as affordable housing and therefore the applicable FSR would be 1:1, based on the permissible FSR of the 2(a) zone, which is 0.5:1, plus the 0.5:1 permitted under 13(2)(a)(i). The proposal is compliant in terms of FSR, being 0.5:1.

Design Requirements

The SEPP specifies that the consent authority must not consent to infill affordable housing unless it has taken into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources (now Department of Planning and Infrastructure). An assessment against the provisions of the guidelines is included in Appendix G.

Character of local area

Clause 54A(3) of the savings and transitional provisions specifies that a consent authority must not consent to the development unless it has taken into consideration whether the design of the development is compatible with the character of the local area. While the SEPP does not provide any further guidance on assessing whether development is compatible with the character of the local area, the NSW Land and Environment Court has established a Planning Principle relating to the assessment of compatibility in the urban environment (*Project Venture Developments v Pittwater Council* [2005] NSWLEC 191).

Planning Principles are intended to assist in making a planning decision where there is a void in policy; where policies expressed in qualitative terms allow for more than one interpretation; or where policies lack clarity. In relation to 'compatibility', the Planning Principle establishes that the most appropriate meaning of compatibility in an urban design context is whether developments are "capable of existing together in harmony". It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve. An extract from the Planning Principle is reproduced below:

Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

*For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height**,*

setbacks and landscaping. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character.

Having regard to the Planning Principle, the height, setbacks, landscaping and architectural style of the proposed development have been considered as well as the physical impacts such as noise, overlooking, overshadowing and constraining development potential.

In terms of physical impacts, overlooking has been reduced through the design and location of balconies and windows. Overshadowing of adjoining properties is minimal, given the two storey nature of the development and future development of adjoining properties is unlikely to be constrained as a result of the proposed development. The design of the carpark and driveway are a potential source of noise for adjoining properties and it is recommended that acoustic fencing and non-slip (low noise) surface treatment of the carpark be incorporated into the design to reduce any impacts.

The height of the buildings, being 2 storey, is consistent with existing development, as is the pitched roof form of the dwellings facing the street. There is no established or characteristic front setback for development on the western side of Wilfred Barrett Drive and landscaping is minimal and does not significantly contribute to the urban character in this locality. However, the dwellings are orientated parallel to the street in keeping with other development and the design has been broken up into a number of buildings to reduce the scale of the development and ensure it does not appear as one large building within the streetscape. Overall, it is considered that the proposed development has been designed in keeping with the existing development in the locality and the design is compatible with the character of the local area.

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 relates to development with frontage to a classified road (Wilfred Barrett Drive) and seeks to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed vehicular access is proposed to be from Wilfred Barrett Drive, which is a classified road, as there is no other road frontage to the site. The application has been referred to the RMS, who initially objected to the proposed access arrangements and requested that the design be modified. Modifications have now been made, which included provision of a consolidated entry and exit point to the north of the site away from the existing bus facilities near Wyuna Avenue, as well as provision of a right turn intersection treatment, which the RMS has endorsed. In relation to traffic noise, a Road Traffic Noise Assessment was submitted with the application, which recommends glazing and roof treatment to achieve compliance with the recommended internal noise levels.

Clause 102 includes additional provisions to ensure that noise sensitive development proposed adjacent to road corridors which carry considerable traffic volumes are not adversely affected by road noise or vibration. The clause applies to development adjacent to roads with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS), and that the consent authority considers likely to be adversely affected by road noise or vibration. Where residential development is proposed, appropriate measures must be taken to ensure that the following internal noise levels are met:

- The Equivalent Continuous Level (LAeq noise level) between the hours of 10.00 pm and 7.00 am shall not exceed 35 dBA within a bedroom, and
- The LAeq noise level within any other habitable room (excluding a garage, kitchen, bathroom or hallway) shall not exceed 40 dBA at any time.

Wilfred Barrett Drive is estimated to carry around 16,700 vehicles per day following extrapolation of RMS traffic count data based upon the historical growth rate for the road in this location. The provisions of SEPP (Infrastructure) are therefore not mandatory for this development however the criteria required are considered to be appropriate and are proposed to be implemented by the applicant.

Clause 104 - Traffic Generating Development, requires certain development applications (as referred to in Schedule 3 of the SEPP) to be referred to the RMS. Although the proposed development contains less than 75 dwellings, it does provide parking for more than 50 vehicles with a direct connection to a classified road. As discussed above, the application has been referred to the RMS and subject to the design changes that were made and a number of conditions, the RMS has no objection to the development.

State Environmental Planning Policy No 71 – Coastal Protection

SEPP 71 – Coastal Protection applies to the development as the site is located within a coastal protection zone, being approximately 30 metres from a coastal lake and approximately 180 metres from the coastline. In accordance with Clause 7, the proposal has been assessed against the matters for consideration outlined under Clause 8 and found to be satisfactory (see Appendix H). The proposal has also been considered under Part 4 of the SEPP relating to public access, effluent disposal and treatment of stormwater and is consistent with the requirements identified under this part.

It is not proposed to strata subdivide the proposed development and therefore Part 5 of SEPP 71 is not applicable to the subject application.

State Environmental Planning Policy (Building Sustainability Index:BASIX) 2004

The proposed development is a 'BASIX affected development' and therefore a BASIX Certificate has been submitted with the development application. The BASIX Certificate identifies compliance with water, thermal comfort and energy targets and has been updated to reflect the modified building design.

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 specifically relates to the consideration of contamination and remediation prior to a consent authority granting consent to the carrying out of any development. Specifically, subclause (1) states that:

A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Subclauses (2), (3) and (4) are not applicable to the subject development application as it does not propose a change of use (i.e. the previous and proposed uses are both for residential purposes). A contamination assessment has not been undertaken for the subject site given its known use for residential purposes.

Wyong Local Environmental Plan 1991

Clause 15 – Development of land containing acid sulphate soils

The LEP requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as Class 2 and 3 on the Acid Sulphate Soils Planning Map. For Class 2 land, any works below the natural ground surface require more detailed assessment and for class 3, any works belong 1 metre below ground level. A preliminary assessment report and investigation has been prepared as part of the application which confirmed that neither Actual Acid Sulphate Soils or Potential Acid Sulphate Soils were encountered on the site to the depth of the proposed excavation.

Clause 19 – Development near lakes, rivers and creeks

As the site is located approximately 30 metres from Tuggerah Lake Council must take the following into consideration:

- (a) the impact of that development on water quality and quantity, existing vegetation, fish, aquatic life and the location of the water body or watercourse, and*
- (b) any effects of the development on water supply, and*
- (c) whether the development is likely to cause detrimental effects on a watercourse or water body through erosion, sedimentation or the emission of pollutants, and*
- (d) whether the development incorporates best practice water sensitive urban design techniques.*

The proposal is considered acceptable in terms of the matters listed in above and if approved, will also require approvals from the NOW.

Clause 23 – Flood Prone Lands

Clause 23 of WLEP states that:

(1) Notwithstanding any other provision of this plan a person shall not erect a building or carry out a work on land which, in the opinion of the Council is, within a flood prone area, other than on land within Zone No 2 (a), 2 (b), 2 (c), 2 (d) or 2 (g), without the consent of the Council.

(2) The Council may, as a condition of its consent to the carrying out of development referred to in subclause (1), require the floor of the building or work to be erected at a height sufficient, in the opinion of the Council, to prevent or reduce the incidence of flooding of that building or work or of adjoining land.

(3) The Council shall take into account as a matter for consideration in determining whether to grant consent as referred to in this clause the effect of the proposed development on flooding.

This clause of the LEP relates to development on land in zones other than the residential zones. As such, this specific clause is not applicable to the proposed development, although the issue of flooding is still a relevant consideration and is addressed further in the report.

Clause 28 – Tree Management

Clause 28 of WLEP 1991 requires development consent for the removal of trees and states that Council shall not grant such consent unless:

(a) such works are ancillary to or necessary to undertake a use permitted on the land, and

(b) the Council has made an assessment of the importance of the vegetation in relation to:

(i) soil stability and prevention of land degradation, and

(ii) water quality and associated ecosystems, such as streams, estuaries and wetlands, and

(iii) scenic or environmental amenity, and

(iv) vegetation systems and natural wildlife habitats.

The site is mainly cleared, although there are five (5) trees that are proposed to be removed, three (3) of which come under the requirements of DCP 2005 Chapter 14 'Tree Management'. It is recommended to remove the three trees as they will be within the hardstand and building areas and the landscape plan incorporates the planting of a number of suitable tree species within the site. The tree removal is ancillary to the proposed construction of the residential flat building and is therefore permissible with consent. It is unlikely that the removal of these trees would have a significant impact on soil stability, water quality or scenic or environmental amenity. The site does not contain any hollow-bearing trees and the removal of the trees is unlikely to impact on vegetation systems and natural wildlife habitats. As such, consent is able to be granted for the removal of the trees, should the application be supported.

Clause 29 - Services

This clause requires all new development to have an adequate water supply and facilities for the removal or disposal of sewage and drainage. Water and sewer connections are available from Wilfred Barrett Drive and stormwater would discharge to Tuggerah Lake via a water quality treatment and infiltration system. Underground rainwater re-use tanks are also proposed to reduce the demand on potable water and reduce the volume of water leaving the site.

(a)(ii) the provisions of any draft environmental planning instrument

There are no draft environmental planning instruments applicable to the application.

(a)(iii) any development control plansWyong Development Control Plan 2005*Chapter 64 – Multiple Dwelling Residential Development*

DCP 2005 Chapter 64 contains both objectives and prescriptive design requirements that apply to all multiple dwelling residential developments within Wyong Shire. A table identifying the level of compliance with this DCP is included as Appendix I. As a result of the assessment, the proposed development has been found to be generally consistent with the DCP. Minor variations are proposed in relation to the area of second storey balconies (9.5 m² rather than 10 m²) and the elevations between the buildings exceed 10 metres in length. However, this variation is supported as these elevations are not visible from the street or adjoining properties.

Chapter 69 – Waste Management

A Waste Management Plan for the construction and ongoing use of the building has been submitted in accordance with the DCP. Ongoing waste collection is proposed to be via bulk bin collection at the kerb.

Chapter 67 – Engineering Requirements for Development

Should consent be granted, all necessary civil works would need to be undertaken in accordance with Council's DCP 2005 Chapter 67. Compliance with relevant standards can be addressed through conditions of consent.

(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

There are no planning agreements applicable to the application.

(a)(iv) any matters prescribed by the Regulations

The Regulations require consideration of the following:

- The Government Coastal Policy, being *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*; and
- in the case of a development application for the demolition of a building, the provisions of AS 2601.

As included in the Regulations, Wyong LGA is only affected by the seaward part of the Government Coastal Policy, being the area extending 3 nautical miles seaward from the open coast high water mark. As such, it is not applicable to the proposed development.

The development proposes demolition of an existing dwelling house and ancillary outbuildings. Demolition can be addressed through conditions of consent.

(a)(v) any coastal zone management plan

Section 79C(1)(a)(v) of the EP&A Act requires consideration of any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979). The Wyong Coastal Management Plan (CMP) has been publically exhibited and adopted by Council and is now awaiting Certification. In accordance with the CMP, the site is not affected by coastal hazards.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting

The site is located approximately 2 km to the north of The Entrance, within the existing residential precinct of The Entrance North. The site has frontage to Wilfred Barrett Drive, which links The Entrance to the northern suburbs of Magenta, Noraville, Norah Head, Canton Beach and Toukley.

Development at The Entrance North is dominated by residential land uses, with other uses including caravan/tourist parks, a school, church, a small local business zone and vast areas of public open space including Terilbah Reserve with frontage to Tuggerah Lake and the North Entrance Beach and Surf Club. Forms of residential development at The Entrance North comprise a range of single dwelling-houses, dual occupancies, residential flat buildings (ranging up to seven (7) storeys) and long term caravan sites.

Immediately adjoining the site to the north is a completed residential subdivision containing approximately 26 one and two storey dwellings. The majority of the existing development comprises detached dwelling-houses, although there are some attached dual occupancy developments. The Two Shores Holiday Village (Caravan Park) is located immediately to the south of the site. The caravan park has approval for 99 sites, including 30 long term sites. Development on the eastern side of Wilfred Barrett Drive typically comprises of two storey dwelling-houses.

The number of units proposed within the development has been reduced from 53 to 42 and the design has been improved to more closely reflect the character of existing development. Changes to the design include the removal of nine (9) second storey units which spanned the open carpark area, modifying the external colours and materials from concrete panels in various shades of green to a face brick, and incorporating a pitched roof into the design of the units fronting Wilfred Barrett Drive to more closely reflect the design of existing residential dwellings in the locality. The design of the buildings has also taken into consideration visual privacy issues, with no windows being proposed on the north-eastern or south western elevations.



Figure 3: Streetscape Elevation of Proposed Development

The access, transport and traffic management measures

The site is accessed from Wilfred Barrett Drive, which is a classified road. Works in, on or under classified roads require approval from the RMS. The existing road environment features dual lane carriageway and shared path/cycleway currently in good condition. The access and egress is proposed from the north-eastern corner of the site as requested by the RMS so as to avoid any conflict with traffic movements associated with the existing bus turnaround bay located in Wilfred Barrett Drive and opposite Wyuna Avenue.

The RMS has also requested that the carriageway of Wilfred Barrett Drive is upgraded to provide a basic auxiliary right (BAR) hand turn treatment at the vehicle access and conditions would be required for the completion of road infrastructure including kerb, gutter and transitional pavement works, should consent be granted.

On site carparking has been provided in excess of the minimum requirements of SEPP (Affordable Rental Housing). The basement entry and exits both contain a crest, which is designed as a levy to restrain the ingress of flood waters. The design generally complies with the Australian Standard for Off-street Carparking, and is considered satisfactory subject to minor design amendments detailed in the recommended conditions.

Details regarding access to public transport to and from the site have been previously addressed in the report.

The impact on the public domain (recreation, public open space, pedestrian links)

The proposed development is unlikely to impact the public domain. The development is proposed on privately owned land although stairs from the rear of the site to the adjacent Council-owned foreshore reserve are proposed. The proposal will not restrict any existing public access to the foreshore and would encourage residents to utilise the foreshore reserve.

There is also an existing off-road cycleway along Wilfred Barrett Drive, which links Terilbah Reserve in the South and Crown land to the north, although this would not be impacted by the development.

The impact on utilities supply

The development can be serviced for water from an existing 300 mm water main that is located on the eastern alignment of Wilfred Barrett Drive and the existing system is adequate to provide water supply to the proposed development. As the water main will need to be extended across Wilfred Barrett Drive, approval from the RMS will also be required.

The site can be serviced for sewer via an existing line.

The effect on heritage significance

There are no known Aboriginal or non-Aboriginal heritage items in the vicinity of the proposed development.

Any effect on other land resources

The site is not known to contain any valuable land resources.

Any impact on the conservation of water*Water use*

A BASIX Certificate has been submitted with the development application which demonstrates compliance with the appropriate water targets. Five (5) x 4000 litre underground rainwater tanks, which are to be connected to toilets and landscaping are proposed together with water efficient fixtures.

Stormwater Management

The site naturally drains towards Tuggerah Lake and an infiltration system is proposed. The design of the infiltration system is proposed to be complemented by an appropriately sized level spreader, which is to be wholly contained within the development site. Stormwater runoff would be buffered by the provision of rainwater tanks and pre-treated by a proprietary gross pollutant trap prior to discharge into the infiltration system. The proposed system is considered satisfactory to treat stormwater before leaving the site and the final design must be approved by the NOW in accordance with their GTA's.

Basement drainage details have also been submitted which show the conceptual size and location of a pump out system and rising main. Conditions are recommended requiring full design details to be submitted prior to the issue of the Construction Certificate. Additionally, tanking of the basement would be required to prevent the ingress of ground water flows into the basement.

Groundwater

Borehole samples were undertaken as part of the acid sulphate soils assessment, which did not intercept any standing groundwater. However, seepage was experienced at depths of between 1.2 and 1.7 metres. It is acknowledged that subsurface conditions can change depending on recent weather events and therefore any groundwater intercepted during construction would need to be appropriately managed.

Any effect on the conservation of soils or acid sulphate soils

The preliminary assessment did not identify any acid sulphate soils on the site. Erosion and sediment control measures would be required, which can be dealt with as part of the Construction Certificate, should consent be granted.

Any effect on quality of air and microclimate conditions

The proposed residential development is not expected to have a detrimental impact on the existing air quality or microclimatic conditions.

Any effect on the flora and fauna

There is minimal vegetation on the site and it is unlikely to provide significant habitat for native species.

The provision of waste facilities

General waste is proposed to be stored in three x 1.1 m³ bulk bins and collected from the kerb. Recycling 'wheelie' bins and green waste bins are also proposed. To assist in the movement of the bulk bins to the kerb, kerb ramps would be required as part of the kerb and guttering that is recommended to be conditioned.

Whether the development will be energy efficient

A BASIX Certificate has been submitted with the application, which demonstrates compliance with the energy and thermal comfort requirements.

Whether the development will cause noise and vibration

Being a residential development, the ongoing use of the premises is not expected to cause unreasonable noise and vibration.

As the site is located adjacent to a busy road, there is potential for the development to be affected by road noise. A Road Traffic Noise Assessment has been submitted with the application, which addresses SEPP (Infrastructure) 2007 and Development Near Rail Corridors and Busy Roads – Interim Guideline. The following internal noise levels are to be adopted:

- The LAeq noise level between the hours of 10.00 pm and 7.00 am shall not exceed 35 dBA with a bedroom, and
- The LAeq noise level within any other habitable room (excluding a garage, kitchen, bathroom or hallway) shall not exceed 40 dBA at any time.

In order to achieve the internal noise levels required by SEPP (Infrastructure) 2007, the Road Traffic Noise Assessment recommends that the noise control treatments should be implemented to the units facing the street frontage. This includes minimum requirements for glazing, external materials and insulation. These matters can be addressed as conditions of consent, should the application be approved.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc)*Bushfire*

When the development application was lodged, the site was not identified as bushfire prone land. However, Council's Bushfire Mapping was revised in September 2011 and as a result, the site is now identified as being bushfire prone due to the threat from vegetation on the adjoining foreshore reserve. A Bushfire Assessment Report has been submitted and referred to the Rural Fire Service (RFS). The RFS has provided advice and have recommended conditions relating to water and utilities supply, the implementation of an evacuation and emergency management plan, construction requirements and landscaping maintenance.

Flooding

The site is mapped as being partially flood affected during a 1% Annual Exceedance Probability (AEP) flood event by flood water originating from the Tuggerah Lakes. The total catchment area upstream of The Entrance is 740km², and includes three interconnected lakes and three major rivers.

The Tuggerah Lakes Flood Study identifies that the 1% AEP flood level for this development is RL 2.2m AHD. The development plans indicate existing ground levels generally range between 1.3m AHD and 3.3m AHD. Other flood events up to the Probable Maximum Flood (PMF) were analysed and calculated, which are summarised below in Table 1 – Flood Levels.

Flood	50% AEP	20% AEP	5% AEP	1% AEP	PMF
Existing (m AHD)	0.91	1.36	1.8	2.2	2.7
Year 2100 (m AHD)	1.81	2.26	2.7	3.1	3.6

Table 1 –Flood Levels

Historical records held by Council indicate that the highest known Tuggerah Lakes flood level occurred in June 1949 (2.1m AHD), with other severe events occurring in April 1946 (1.9m AHD), May 1964 (1.9m AHD) and April 1927 (1.8m AHD). The most recent flooding events occurred in June 2011 (0.91m AHD), February June 2007 (1.65m AHD), February 1992 (1.2m AHD) and February 1990 (1.6m AHD).

The NSW Sea Level Rise Policy Statement published by the NSW Government in 2009 was prepared to support consistent adaptation to projected sea level rise impacts. The policy statement included sea level rise planning benchmarks for use in assessing potential impacts of sea level rise in coastal areas, including use in flood risk assessments. The benchmarks are for a projected rise in sea level, relative to the 1990 mean sea level, of 0.4 metres by 2050 and 0.9 metres by 2100.

The Flood Risk Management Guide - Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments (the guide) published by the NSW Government in 2009 was prepared to assist stakeholders to incorporate the sea level rise planning benchmarks in floodplain risk management planning and flood risk assessments for new development. The guide updates the sea level rise information in the NSW Floodplain Development Manual published by the NSW Government in 2005.

Considering the significance of the development in terms of population intensification, expected asset life and financial investment proposed by the applicant, it is considered appropriate to apply the higher sea level rise benchmark for the proposed development. The application of this benchmark has the affect of increasing the initial water level of Tuggerah Lake and the Pacific Ocean analysed in the Tuggerah Lakes flood study.

The guide states that “Where the site is below 4 metres AHD, an appropriate conservative assumption to estimate the 1% AEP flood level considering sea level rise is to add the sea level rise planning benchmarks to the 1% AEP flood level relevant to the site”. As stated previously, the development plans indicate existing ground levels generally ranging between 1.3m AHD and 3.3m AHD.

Under the NSW State Government’s Flood Policy, the management of flood liable land remains the responsibility of local government. Accordingly, Council has a duty of care to ensure flood liable lands in the Wyong Shire are managed in accordance with their flood hazard and flood risk. Council’s Development of Flood Prone Land Policy (the policy) presents Council’s current development controls applicable to the development. The application of the policy requires the categorisation of ‘Type of Development’ and ‘Flood Hazard’ to determine suitability of the proposed development. The ‘Type of Development’ for the purpose of this policy meets the category of ‘New Development’ due to the proposed population intensification; however the determination of ‘Flood Hazard’ requires further consideration. A qualitative Flood Hazard Assessment has been undertaken to determine the ‘Flood Hazard’ in accordance with the policy.

The policy requires categorisation of flood hazards in accordance with the NSW Floodplain Development Manual, which details the process to determine flood hazard category. The process involves firstly evaluation of hazard level from pure hydraulic principles, and then refining the hydraulic hazard category in light of other relevant factors affecting the safety of individuals to establish the true flood hazard category. The hazard category from pure hydraulic principles is considered to be a combination of high hazard flood storage and low

hazard flood storage. Figure 4 illustrates an interpretation of high hazard flooding overdrawn on the architectural plans.

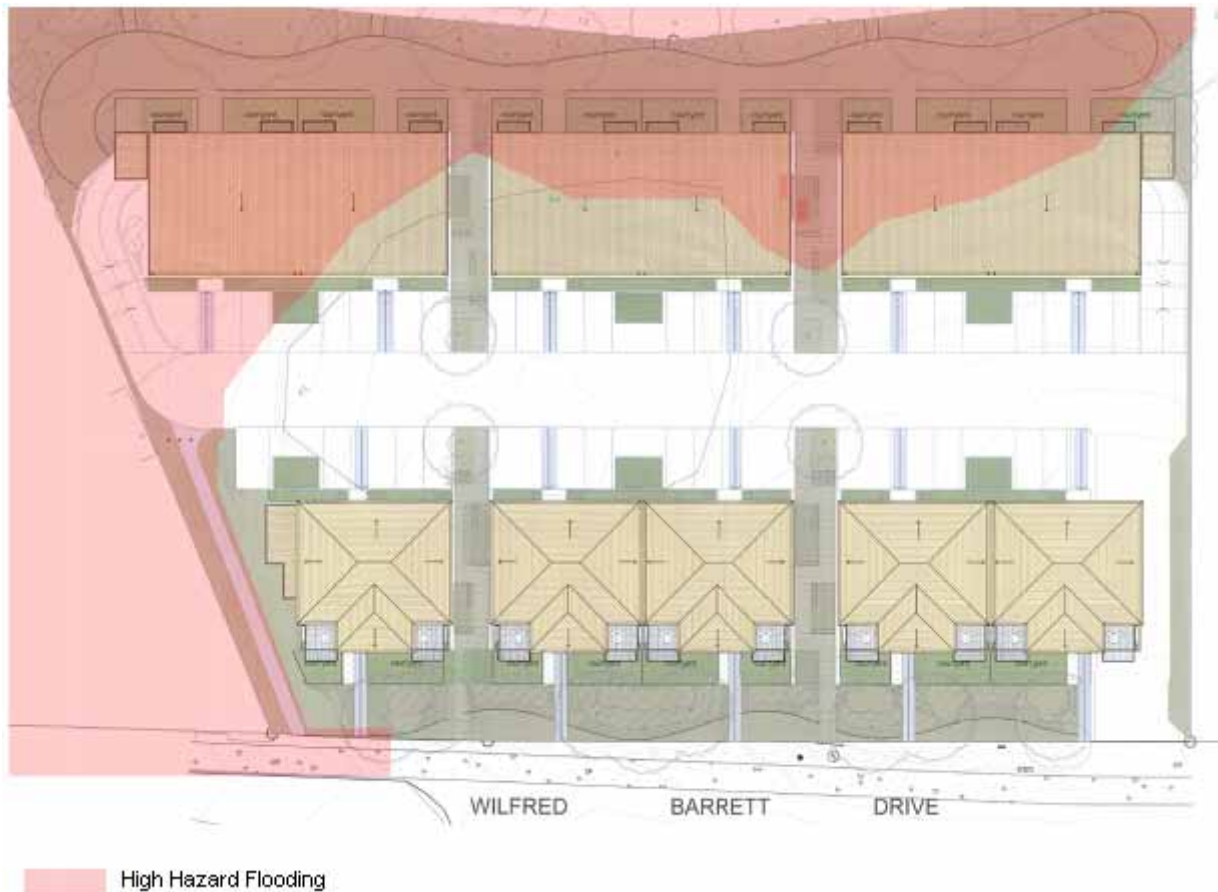


Figure 4 – Approximate extent of Provisional High Hazard flooding

As the application of the policy requires determination of true flood hazard category, this was assessed by refining the hydraulic hazard category. A summary of this assessment is provided below:

- Risk to Life - Self sufficient low hazard evacuation is available from the development towards the north. If evacuation is not possible, the floor levels are proposed equal to the probable maximum level (including sea level rise) and are likely to provide a safe place of refuge.
- The Cost - The proposed development is generally located within an existing residential area with existing public and private infrastructure. The development is not anticipated to generate significant additional servicing costs before or after floods. There may be individual costs relating to insurance and private property damage.
- Warning and Evacuation - The Tuggerah Lakes system is closely monitored during flood events, with access to accurate information available and updates regularly provided by the emergency management authorities. Flooding from Tuggerah Lakes generally features a relatively slow rate of rise over a number of days and therefore effective warning time is available. As discussed previously, low hazard self sufficient evacuation is available to the north of the site.

- Cumulative Effects of the Development - Minor loss of flood storage associated with the low level carpark and fill is proposed. The loss of flood storage is commensurate with the other development around Tuggerah Lakes, and is not considered to set an undesirable precedent for other development in the floodplain.
- Ecological Sustainable Development - In a flooding context, the development adequately considers the principles of ecologically sustainable development. In particular the development meets the principles of intergenerational equity and application of the precautionary principle by acknowledging and addressing predicted sea level rise.
- Climate Change - Sea level rise is one predicted element that has been discussed separately in this report, however other effects have the potential to affect peak flood levels such as increased temperatures, changes in rainfall patterns and increased frequency of extreme wind and storm events. The conservative application of the sea level rise benchmarks for 2100 plus a 500mm freeboard to habitable floor levels is considered adequate.

Based on the flood assessment, and property modification measures, the true flood hazard category applicable to the development is considered to be wholly low hazard flooding. The development controls under Council's Flood Prone Land Development policy permit New Development in Low Hazard category flooding, subject to a merits assessment. Having considered flooding hazard, including predicted sea level rise, the application can be supported on floodplain management grounds.

Any risks from technological hazards

There are overhead power lines within the road reserve across the full frontage of the site, although it is unlikely that this would impact the development.

Whether the development provides safety, security and crime prevention

The applicant has submitted a report to assess the proposal against the principles of Crime Prevention through Environmental Design (CPTED) and the application has also been referred to the NSW Police Tuggerah Lakes Local Area Command. The response from the Tuggerah Lakes local Area Command included a number of recommendations in relation to the design of the buildings. The response also indicated that The Entrance North has a relatively low crime rate compared to other areas of the Tuggerah Lakes Local Area Command. Specific recommendations that could be applied to the proposed development include:

- Rapid removal of graffiti
- Restricted access to the proposed basement carpark
- Lighting with the carparking areas and main access points
- Maintaining landscaping

Appropriate conditions of consent can be applied, should consent be granted.

Any social impact in the locality

The proposed development has been submitted under SEPP (Affordable Rental Housing), which forms part of the NSW State Government response to growing community concern about the long term decline of affordable housing. It is proposed that 50 per cent of the accommodation to which the proposed development application relates will be used for the purposes of affordable rental housing.

The benchmark for rental housing to be considered 'affordable' is for the households involved to pay no more than 30% of their gross income in rent. The NSW Government's approach focuses on rental housing for very low, low and moderate income households so that they can appropriately meet the needs of their household and is within their means to pay for it without foregoing other essentials such as food, clothing and education.

Definitions of very low, low and moderate income households are as follows, based on 2010-11 projections:

- o Very low-income households – incomes less than 50% of the gross Sydney median income (currently being an income less than \$33,400);
- o Low income households – incomes between 50% and 80% of gross median income (currently \$33,400 - \$53,500); and
- o Moderate income households - incomes between 80% and 120% of the gross median (currently \$53,500 - \$80,300).

Affordable housing income eligibility limits as of 1 July 2011 are summarised in the table below and demonstrate the range of income and family circumstances that can benefit from affordable housing.

Examples of Household Types	Maximum gross annual income (before tax)		
	Sydney region	Remainder NSW	NRAS (all NSW)
Single (first adult)	< \$50,000	< \$43,400	< \$44,128
Single + 1 child	< \$65,000	< \$56,400	< \$61,049
Single + 2 children	< \$80,000	< \$69,400	< \$75,685
Single + 3 children	< \$95,000	< \$82,400	< \$90,320
Couple	< \$75,000	< \$65,100	< \$61,006
Couple + 1 child	< \$90,000	< \$78,100	< \$75,641
Couple + 2 children	< \$105,000	< \$91,100	< \$90,277
Couple + 3 children	< \$120,000	< \$104,100	< \$104,913

Table 2 - Affordable Housing Income Eligibility Limits

There is often a lack of understanding in local communities of the people likely to be accommodated in affordable rental housing. Local opposition has been high for low rise infill housing in low density residential areas and this is frequently based on a misunderstanding of the nature of the people that qualify to occupy the affordable rental housing. A significant number of the public submissions received for the subject development application raised concerns over "social housing" occupants in the area, because of perceived social issues and potential for impacts on property values. Social housing is subsidised housing, providing a secure, affordable rental option for people on very low and low incomes. Social housing includes properties owned or managed by Housing NSW, community housing providers and the Aboriginal Housing Office. Affordable rental housing differs from social housing as it targets a range of groups from low to moderate income households; has a different application process; calculates rents differently; may have different tenancy terms; and is managed by a Community Housing Provider rather than by Housing NSW or the Aboriginal Housing Office.

The applicant has submitted a Social Impact Assessment (SIA), which has been prepared by qualified social planning consultants. The SIA includes a demographic analysis, assessment of the existing level of social infrastructure/public transport, details of community engagement and the identification and assessment of social impacts.

Demographic analysis

A detailed analysis has been provided on the demographic characteristics of The Entrance-North Entrance area based on the latest information available sourced primarily from Council's on-line Community Profile (2006 Census data) and housing analysis sourced from Housing NSW. Key findings included:

- Between 2001 and 2006 there was a minor increase in population of The Entrance-North Entrance.
- The dominant household type is lone persons, followed by couples without dependents and one parent families.
- There has been growth in middle age groups and a larger proportion in the older age groups.
- There is an increasing demand for one and two bedroom dwellings based on changes in family and household types.
- There is a higher share of renters in high density housing in this area of the Shire.
- The area has a larger proportion earning a lower individual income (<\$600 per week) and a smaller proportion earning a higher income (>\$600 per week) compared with Wyong Shire.
- There has been an increase in medium and highest income groups however, compared with Wyong Shire this area has a larger proportion of households earning a lower weekly income and a smaller proportion earning a high weekly income (due to higher unemployment rate and larger proportion of older residents).
- The unemployment rate is higher compared with Wyong Shire.
- It is difficult for lower income households to purchase housing in Wyong Shire due to significant increase in house prices.
- The private rental market in Wyong Shire is not catering adequately for the needs of lower income households, particularly small single person households
- On the ABS Socio-Economic Index of Disadvantage (SEIFA) The Entrance-North Entrance area is ranked second in Wyong Shire indicating residents are significantly disadvantaged and would be experiencing housing stress.

Existing level of social infrastructure/public transport

Detailed research has been undertaken to document the level of existing infrastructure in the area. The proposed development is considered to have good access to a wide range of retail, commercial, community, recreation and medical services at The Entrance and Bay Village Shopping Centre at Bateau Bay.

A bus stop is located just to the south of subject site on eastern side of Wilfred Barrett Drive with a regular weekly and weekend bus service provided by Red Bus Services to The Entrance, Bay Village, Erina Fair and Gosford. Weekday services operate from 4am to 9pm (last return service 11:55pm). Weekend services operate from 5am to 9pm (last return service 11pm). Red Bus Services also operates a service to Toukley, Lake Haven and Wyong Hospital. On weekdays there are four morning services and three afternoon services (latest at 6:16pm). On weekends there are four services between 8am and 4pm.

As previously addressed within the report, the subject site is located within an accessible area as defined by SEPP (Affordable Rental Housing).

Community engagement

The initial SIA that was submitted with the development application did not involve any consultation or engagement with the local community. As part of the revised SIA, the consultant prepared and distributed a letter to all local residents in Curtis Parade, Wyuna Avenue, Terilbah Place and Wilfred Barrett Drive (to the north of Simpson Street), the caravan park and other community stakeholders, to seek comments on the proposed development via telephone, email or in writing. In response to a request by The Entrance Peninsula Community Precinct Committee, the consultant attended a community consultation meeting with residents to hear their social concerns and objections to the proposed development.

It is acknowledged that the consultation for the SIA was undertaken during December and January and that some residents were unavailable to comment during this period. However, local residents have had the opportunity to comment during Council's initial public submission period and the re-notification of the development application.

Identification and assessment of Social Impacts

The revised SIA lists and addresses the social issues raised by each stakeholder. Key issues raised include:

- Increased concentration of people of lower socio-economic status (welfare dependent tenants).
- Increase in anti-social behaviour, vandalism and crime impacting on resident safety.
- Concentration of social housing developments.
- Decline in property values.
- Transformation of the local area.
- Safety concerns along Wilfred Barrett Drive.
- Location not accessible to services and facilities.
- Existing transport service is inadequate/limited.
- Potential to exacerbate unemployment levels.
- Incompatible with plans to revitalise The Entrance.
- Incompatible with the character of the surrounding area (high density and cluster of affordable housing in an area of low density and high quality residential housing).
- Negative impacts of social cohesion and interaction due to strong opposition by residents.
- Overdevelopment of the lakefront/site and impacts on local ecosystem/natural environment (land approved for 3 residential blocks).
- Conflict over public open space and access to the lakefront.
- Traffic congestion due to insufficient car parking provision.
- 2006 Census does not reflect current profile of The Entrance North.

After assessing the proposal and having considered the issues raised by the community, it is considered that the proposed development would have a net social benefit. The proposed development would provide for additional affordable rental housing stock and housing choice. The subject site is located within an accessible area as defined in SEPP (Affordable Rental Housing) and residents would have access to a range of social infrastructure and a regular transport service.

It is acknowledged that there is significant opposition to the proposal from local residents and stakeholders groups. This may have partially arisen due to a misunderstanding of the nature of the proposed development, which is for affordable housing rather than social housing.

Nevertheless, residents have perceived a number of negative social impacts associated with the concentration of people of low socio-economic status including a decline in property values, increased anti-social behaviour, crime and reduced public safety, exacerbation of unemployment levels etc.

A number of mitigation measures have been proposed to reduce the potential negative impacts of the development on social interaction and integration due to the strong level of opposition by residents. Such measures include the Community Housing Provider consulting on a regular basis with the owners of adjoining properties to ensure any negative impact is temporary; the use of tenancy agreements; rigorous screening of applicants; and controls during the construction phase. These measures should form conditions of consent, should the application be approved.

Any economic impact in the locality

The proposed development is unlikely to have an economic impact in the locality.

Any impact of site design and internal design

The proposed development, as originally submitted, incorporated 53 units within three (3) residential flat buildings. However, the design has been amended to address a number of design issues that were raised during the assessment of the application. The more significant design changes include:

- Deletion of eleven (11) units, to improve the overall design of the buildings and improve internal amenity to a number of the units; and
- Addition of pitched roofs to the buildings fronting Wilfred Barrett Drive to more closely reflect existing development in the locality;

The design was also modified to avoid any buildings being located within an existing 5 metre wide easement along the southern boundary, which benefits Council. The current design incorporated pathways and the driveway within this easement, although no objection is raised in relation to this.

Any impacts of construction activities (construction site management, protection measures)

All construction access would be from Wilfred Barrett Drive and a traffic management plan would be required to demonstrate how construction traffic would be managed to minimise delays and interference with the road network. Conditions have also been recommended in relation to the protection of adjoining properties during the excavation for the basement carpark and the construction of the buildings.

Any cumulative impacts

The impact of additional traffic, population and affordable housing in the locality has been addressed previously throughout the report and it is considered that the cumulative impacts would be negligible.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

The design of the proposed development has satisfactorily addressed potential site constraints including the flood affectation of the site, vehicular access onto a classified road and the proximity of the site to Tuggerah Lake. The site is located within a residential area, close to public transport, is relatively level and contains minimal vegetation that is required to be removed. Overall, the site is considered suitable for the proposed development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**Any submission from the public**

The application was advertised in accordance with the Environmental Planning and Assessment Regulations 2000 in relation to Nominated Integrated Development. Approximately 72 submissions and a petition with 473 signatures were received. There were no letters of support. Following the submission of amended plans, the application was again placed on public notification with 17 new objections being received. A number of revised/updated submissions were also received from members of the community who lodged submissions during the initial exhibition period.

The issues raised in the submissions have been addressed in the assessment of the application. A summary of each submission is included in Appendix J, with the main issues that were raised listed below:

Flooding

A number of submissions have been received in relation to the suitability of the site for multi unit development given the flood prone nature of The Entrance North. However, as previously discussed in the report, the site is considered to be affected by low hazard flooding, has a low hazard evacuation path and proposed floor levels in excess of the flooding planning level, including sea level rise predictions. The development is therefore subject to a merits assessment under the Council's adopted flood policy and the proposed development is considered satisfactory in terms of flooding.

A number of the submissions raised concerns that a previous development application for an eight (8) lot subdivision was reduced to three (3) lots based on the unsuitability of the site for development. However, a review of the file for the previous subdivision application indicates that other issues including access arrangements from Wilfred Barrett Drive and sewer servicing were limiting factors in the assessment of the previous application.

Lack of Public Transport

A bus stop is located to the south of subject site on eastern side of Wilfred Barrett Drive with a regular weekly and weekend bus service provided by Red Bus Services to The Entrance, Bay Village, Erina Fair and Gosford. Weekday services operate from 4am to 9pm (last return service 11:55pm). Weekend services operate from 5am to 9pm (last return service 11pm). Red Bus Services also operates a service to Toukley, Lake Haven and Wyong Hospital. On weekdays there are four morning services and three afternoon services (latest at 6:16pm). On weekends there are four services between 8am and 4pm. As previously addressed within the report, the subject site is located within an accessible area as defined by SEPP (Affordable Rental Housing) and meets the requirements set by the state government for access to public transport.

Increase in Traffic

The application was referred to the RMS as the development proposed direct vehicular access to Wilfred Barrett Drive, which is a classified road. The RMS initially objected to the development due to concerns that the proposed access driveway, which was proposed at the southern boundary of the site, would conflict with traffic movements associated with the existing bus turnaround bay located in Wilfred Barrett Drive and opposite Wyuna Avenue. The RMS suggested that a combined access and egress be provided at the northern boundary of the site to avoid this conflict and the plans have been modified to reflect these requirements. The RMS has also requested that the carriageway of Wilfred Barrett Drive be upgraded to provide a basic auxiliary right (BAR) hand turn treatment at the vehicle access to assist vehicles turning right across Wilfred Barrett Drive.

Impact on Tuggerah Lake and Coastal Ecosystems

The site does not have direct frontage to Tuggerah Lake and suitable stormwater treatment and management would be required as part of the development. The NOW has also provided general terms of approval, which include measures for protecting waterfront land (defined as land within 40 metres of a natural water body).

Lack of Employment Opportunities

The community has raised concerns that the proposed development would exacerbate unemployment levels. It is likely that employed persons will occupy units within the affordable housing component of the development as per eligibility levels within NSW Government's Affordable Housing Guidelines. Additional population will also provide direct economic benefits to the local community via demand for goods and services which in turn provides increased local employment opportunities.

Lack of Community Facilities/Services and Health Services

The proposed development would result in a modest increase in population, estimated to be a net increase of approximately 100 people. As identified in the adopted The Entrance Peninsula Planning Strategy, The Entrance-North Entrance area has been identified as an area of projected population growth with adequate services and facilities in place to cater for this increase. The proposed development would also be required to pay Section 94 developer contributions, which contribute to the provision of public open spaces and community facilities.

Wyang Shire is characterised by many households on very low, low and moderate incomes in housing stress and the level of housing affordability has steadily decreased. There have also been changes in the age structure of the population and household and family composition which has created demand for a range of dwelling types, including one and two bedroom dwellings. The proposed development will provide housing choice and an affordable rental housing option to suit the existing demographic characteristics. Housing NSW also indicate there is a need to increase the supply of affordable rental in Wyong LGA.

Impact on Property Values

The proposed development will replace an existing vacant and overgrown site. It comprises 42 units, includes a component of affordable housing and provides for housing choice in the area. There is a general misunderstanding in the community in relation to the difference between affordable rental housing and social housing, which has increased concern over the perceived impact on property values.

Lack of Open Space

The proposed development complies with the required landscaped areas and exceeds the required amount of communal open space provided within the site. Public open space is also provided directly in front of the site and additional public open space is located at North Entrance Beach, North Entrance Foreshore Reserve and Terilbah Reserve.

Concerns over Community Safety and Police Resources

The community raised concerns in relation to increased anti-social behaviour and lower resident safety from the perceived nature of residents intended to occupy the affordable housing component of the development, and conflict over public space areas, access to the lakefront and privacy/security.

The proposed development has been designed to ensure increased level of passive surveillance from living areas and open space areas over the public domain areas of the lakefront, Wilfred Barrett Drive and the carpark areas.

Current crime statistics show that The Entrance North has a limited number of reported crimes including a low incidence of anti-social behaviour. The NSW Police were consulted in relation to the proposed development and have not raised any specific concerns or objection.

Any submission from public authorities

A copy of the GTA's issued by the NSW Office of Water are included in Appendix C.

The RMS has confirmed that it has no current proposals affecting or requiring any part the property. The RMS also confirmed that its concurrence is required for works, structures, and disturbances to, in, on, under or over classified roads under section 138 of the Roads Act 1993 and recommended a number of conditions of consent as detailed in Appendix A and C.

The RFS has reviewed the proposed development and recommended a number of conditions of consent relating to compliance with the publication '*Planning for Bushfire Protection*'. In assessing the application, the RFS also acknowledged that the Council owned foreshore land to the west of the site is included in Council's Plan of Management for Natural Areas.

THE PUBLIC INTEREST (s79C(1)(e)):

Any Federal, State and Local Government interests and Community Interests

The Entrance Peninsula Planning Strategy

The Entrance Peninsula Planning Strategy (TEPPS) was adopted by Council in July 2009. The site is identified as being within Precinct 1, which is described as having the following desired future character:

Precinct 1 will be the northern gateway to The Entrance Peninsula. It will be a generally low density residential coastal village providing convenient and attractive living for its residents through its landscaped streets and neighbourhood parks. The gateway will also provide links to a small neighbourhood centre in the adjoining Precinct 2, as well as community and open space facilities.

In terms of building controls, TEPPS includes the following strategies and recommendations that are relevant to building and development control:

- *Restrict building heights to be a maximum two storeys [i.e. generally 6 metres, to the topmost ceiling, for residential and 7.5 metres for mixed use (retail, commercial and/or residential) developments] and encourage coastal architectural design styles in new and redeveloped buildings.*
- *New or renovated residential buildings are to be low scale to maximum height of 6 metres (approximately two storeys) and provide an attractive facade to the street, designed to reflect the coastal character of the area and integrate with existing built forms. Residential flat buildings are to be designed to appear as a number of individual buildings or modules, rather than as a single unit block.*

The proposed development is not inconsistent with the intentions of the TEPPS.

Promoting Choice: A Local Housing Strategy for Wyong Shire

Promoting Choice: A Local Housing Strategy for Wyong Shire, was adopted by Council in January 2008. The purpose of the Local Housing Strategy is to provide a framework to address the housing choice issues affecting the Shire population. It identifies Council's commitment and role in working towards minimising the level of housing stress in the Shire by retaining and expanding the provision of diverse housing forms. Following on from this, Council is currently undertaking an Affordable Housing Study, although this is only in the initial stages and has not progressed to a point where it can be considered as part of the assessment of the development application.

OTHER MATTERS FOR CONSIDERATION

The Entrance Section 94 Contributions Plan and Shire Wide Contributions Plan

The site falls within the area for Section 94 Contributions Plan No 3 - The Entrance District and the Shire Wide Contributions Plan. Contributions under Section 94 of the EP&A Act are applicable to development under SEPP (Affordable Rental Housing) and therefore would need to be paid prior to the issue of a Construction Certificate, should consent be granted.

CONCLUSION

Despite the extent of public objection to the proposed development, the information provided with the application demonstrates compliance with the requirements of SEPP (Affordable Rental Housing), has received favourable comment from the external approval bodies (RMS, NOW and RFS) and has satisfactorily addressed social impact concerns through the Social Impact Assessment and referral to the NSW Police Tuggerah Lakes Local Area Command. The site is considered suitable for residential development and approval is recommended.

Appendix A	<i>Draft Conditions of Consent</i>
Appendix B	<i>Architectural Plans, Stormwater Plans and Landscape Plans</i>
Appendix C	<i>External Referral Comments and General Terms of Approval</i>
Appendix D	<i>SEPP (Affordable Rental Housing) 2009 Savings and Transitional Provisions</i>
Appendix E	<i>SEPP (Affordable Rental Housing) 2009 Assessment Table</i>
Appendix F	<i>Bus Timetables and Maps</i>
Appendix G	<i>Urban Design Guidelines Assessment Table</i>
Appendix H	<i>SEPP 71 – Coastal Protection Assessment Table</i>
Appendix I	<i>Wyong DCP 2005 Chapter 64 Assessment Table</i>
Appendix J	<i>Summary of Public Submissions</i>

Appendix A - Proposed Conditions

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans listed below, specifications and accompanying documentation except as modified by any conditions of consent:

Title	Drawing No.	Revision	Date	Prepared By
Architectural Plans - Affordable Housing	Job No 2001-13 Sheets DA01 to DA11	C	October 2011	Australian Consultant Architects
Landscape Plan	Project No 2945A Sheet L-01	A	30/3/11	Ray Fuggle Associates Landscape Architects
Stormwater Plans	89022886-000 to 003	1,2	22/8/11	Cardno
Bushfire Assessment Report	Report No 2011/171B	2	February 2012	Bushfire Safety Solutions
Acoustic Report	Report Number 5405-R1	0	30/3/11	SLR global Environmental Solutions
Social Impact Assessment	Project No:A268	-	January 2012	Creative Planning Solutions
Acid Sulphate Soil Assessment	-	0	December 2011	Aargus Pty Ltd

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 for the western buildings adjacent to the foreshore reserve. Prior to the issue of a Construction Certificate, construction details demonstrating compliance with AS3959-2009 – *Construction in Bushfire Prone Areas* and section A3.7 Addendum Appendix 3 of *Planning for Bushfire Protection 2006 (NSW)* 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) 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.

Controlled Activity Approval

- 7 Prior to the issue of a Construction Certificate, a Controlled Activity Approval must be issued by the NSW Office of Water in accordance with the General Terms of Approval dated 7 September 2011 and as attached to the development consent.

Dust Control Requirements

- 8 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.

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*).

Flooding Design Requirements

- 10 Prior to the issue of a Construction Certificate, design drawings must be provided for the approval of the Accredited Certifier detailing the following requirements: -
- A minimum floor level of RL 3.6 metres Australian Height Datum (AHD) for all habitable rooms, as defined within the Building Code of Australia.
 - A minimum floor level of RL 1.9 metres AHD for all non habitable rooms with plumbing and drainage fixtures.
 - The required surcharge gully is to have a minimum RL of 1.75 metres AHD.
- 11 Prior to the issue of a Construction Certificate, detailed design drawings must be prepared for the approval of the Accredited Certifier by a suitably qualified Structural Engineer in accordance with the requirements of the Hawkesbury-Nepean Floodplain Management Steering Committee publication *Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas*, for the following flooding characteristics applicable to the development:
- 1% AEP flood level of RL 3.1 metres AHD.
 - Average flood velocity of 0.5 metres per second.
- An appropriate factor of safety must be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.
- 12 Prior to the issue of a Construction Certificate, design drawings and specifications must be submitted for the approval of the Accredited Certifier for the following flooding characteristics applicable to the development:
- The storage of all toxic or pollutant substances at least 500mm above the 1% AEP flood level. Alternatively these materials may be placed within an area protected by bunds constructed 500mm above the 1% AEP flood level.
 - All electrical outlets and fixtures below the 1% AEP flood level protected by a residual current device (safety switch).
 - Flood compatible materials must be used for all building materials used or placed below the 1% AEP flood level.
 - The basement carpark shall be tanked to prevent the ingress of groundwater flows.
- 13 The preparation of a Flood Emergency Management Plan (FEMP) to mitigate the risk to life and property by a suitably qualified and experienced consultant. The plan must include, but not limited to, the following;
- Source and severity of flooding.

- A site specific evacuation plan prepared in consultation with the State Emergency Service, including commentary of the 'last chance' opportunity for self sufficient low hazard evacuation.
- Methods of accessing real time flood data and warnings
- Recommendations and contingencies for occupants during and after a flood event in relation to communications, supplies, services and any other elements identified by the flooding consultant.
- Methods of disseminating the contents of the FEMP to current and future occupants.
- Revision frequency for the FEMP, and requirement to provide a copy of any revision to Wyong Shire Council.
- Recommendations for amendments/additions to the development plans to facilitate ease of evacuation.
- Recommendations for actions prior to the occupation of the development

The plan must be certified and submitted to the Accredited Certifier prior to the issue of the Construction Certificate. A copy of the FEMP must be supplied to Wyong Shire Council and the registered proprietor of the land.

Landscaping Design Requirements

- 14 Prior to the issue of a Construction Certificate, the landscape design drawings, prepared by Ray Fuggle Associates Landscape Architects dated 30/3/2011 is to be amended to incorporate the following changes:
- An additional eight (8) trees (*Waterhousia floribunda* or similar) within the front setback area with a minimum 100 litre pot size.
 - Placement of *Carpobrotus glaucescens* closest to the foreshore and the replacement of *Waterhousia floribunda* at the back of the property with *Casuarina glauca* or *Glochiodon ferdinandi* (or similar species that have high salt tolerance)
 - Replacement of *Pennisetum sp.* with *Carpobrotus glaucescens* (or similar).
 - Replacement of *Dianella sp.* with *Dianella caerulea* or *Dianella congesta*.
 - Replacement of Callistemon 'Hanna ray' and Callistemon 'Captain cook' with *Pittosporum revolutum*, *Melaleuca nodosa* or *Callistemon linearifolius*.
 - All trees are to be a minimum 100 litre in pot size. All shrubs 2-4 metres high are to be a minimum 25 litre pot size and all shrubs (1-2 m high) and accent plants are to be a minimum 5 litre pots. Groundcovers are to be tube stock or greater.
 - A 26 week maintenance schedule.

The landscape plan 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.

- 15 Design plans for the enclosure of the communal waste storage area are to be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate. The design plans are to be in accordance with the requirements of Wyong Development Control Plan 2005 Chapter 69 – Controls for Site Waste Management and the accompanying Waste Control Guidelines and must include suitable landscaping to screen the enclosure.

Roadworks - Design Requirements

- 16 Where conditions of this consent require approval from Council as the Roads Authority with the concurrence of the RMS, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Fees and charges calculated in accordance with Council's Management Plan and must be paid prior to the issue of any consent under the Roads Act 1993. Prior to approval, the developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS for any works and traffic control on State roads.
- 17 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Kerb and guttering for the full street frontage of the development.
 - Street stormwater drainage systems.
 - Street lighting in accordance with AS/NZS 1158.
 - Pavement marking and signage.
 - Street trees at a maximum of 15.0 metre spacing.
 - Vehicle access crossing(s).
 - Kerb ramp for waste collection.
 - The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
 - Any associated works to ensure satisfactory transitions to existing infrastructure.
 - Basic auxiliary right (BAR) hand turn treatment in Wilfred Barrett Drive at the proposed vehicle access location.
 - Formation of a minimum 2.5 metre wide road shoulder adjacent proposed kerb and gutter.

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 prior to the issue of a Construction Certificate.

- 18 The submission to the Council as the Roads Authority of a 'detailed design stage' Road Safety Audit for road intersection works prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.

Stormwater Drainage - Design Requirements

- 19 The submission to the Accredited Certifier of a detailed stormwater management plan generally in accordance with the conceptual stormwater management [plan prepared by Cardno (drawing numbers 89022886-000, 89022886-001 and 89022886-002, and dated 22/8/2011), and featuring:
- Stormwater disposal to an absorption/level spreader system
 - The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering leaving the development.
 - Full details of the holding tank capacity, pump type and system, discharge rate and the delivery line size for the basement drainage.
 - The basement carpark shall be tanked to prevent the ingress of groundwater flows.

The detailed design plans must be prepared in accordance with AS/NZS3500.3:2004 and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 20 Stormwater drainage works external to the site and 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

- 21 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements
- Slabs, piers and footings.
 - Retaining walls
 - Tanking of the basement carpark
 - Structural design of all elements below the design surface level must consider increased salinity levels with predicted sea level rise.

Vehicle Access and Parking - Design Requirements

- 22 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.

- Pavement design to the carpark and basement areas able to withstand anticipated vehicle loading and incorporating non-slip (low noise) surface treatments.
- Mechanical fixing and acoustic isolation of any gates to/from the basement carparking.
- Amendment to parking spaces numbered 6, 11, 22 and 29 to achieve geometric compliance with the parking for people with disabilities.
- The placement of clearance signage above the basement entry.

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.

- 23 The submission to the Accredited Certifier of lighting design drawings for the carpark 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

- 24 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.

Demolition Requirements

- 25 Prior to the demolition of existing structures on site, all existing site services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector certifying that the works have been undertaken to the satisfaction of Council as the Water and Sewer Authority. Thiess Service's Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.
- 26 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 issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.

- 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.
- 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 for disposal.

Ecology/Trees Requirements

- 27 Prior to works associated with the development commencing, all trees nominated for retention at the rear of the property are to be suitably protected by 1.8 metre high interlocking chain wire fencing to be installed at a minimum of 2 metres from the base of each tree on all four sides. All required tree protection measures are to be in place prior to the commencement of works and maintained for the duration of construction works.

Erosion and Sediment Control Requirements

- 28 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.
- 29 Prior to works associated with the development commencing, suitable sediment control kerb inlet trap devices are to be provided downstream of the development site adjoining locations such as kerb inlet drainage pits, in order to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris behind the required kerb inlet trap devices is to be removed from the site on a daily basis.
- 30 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.

Home Building Act Requirements

- 31 Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- the name of the insurer by whom the work is insured under Part 6 of that Act.

In the case of work to be done by the holder of an owner-builder permit under that Act:

- the name and permit number of the owner-builder.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Protection of Adjoining Property Requirements

- 32 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 33 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Roads - Preconstruction Requirements

- 34 Prior to commencing any works upon public roads the developer and their contractor 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.
- 35 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 Services (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.
- 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.
- 40 Prior to works associated with the development commencing, it is the builder's responsibility to confirm the location and depth of the sewer main and connection point in relation to the floor level, to ensure that appropriate connection to the sewer can be achieved.
- 41 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify '*Dial Before You Dig*' of the time and place of work no more than thirty (30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

During Construction Works:

The following conditions must be satisfied during construction works.

Acid Sulphate Soils

- 42 Should acid sulphate soils be encountered during excavation works, work is to stop and an Acid Sulphate Soils Management Plan is to be prepared and submitted for the approval of the Principal Certifying Authority. All works are to proceed in accordance with the recommendations of the Acid Sulphate Soils Management Plan.

Approved Plans

- 43 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.

Demolition - Compliance Requirements

- 44 Any demolition work carried out with respect to the development is to be carried out in accordance with the requirements of AS 2601-2001 – *The Demolition of Structures*.
- 45 The disposal of any asbestos materials must be in accordance with the requirements of WorkCover NSW and AS 2601-2001 – *The Demolition of Structures*. The asbestos materials are to be disposed of at an approved waste management facility in accordance with the procedures the facility has for the disposal of asbestos. Upon completion of these works, the Principal Certifying Authority is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Dust Control Requirements

- 46 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

- 47 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.
- 48 All earthworks are to be limited to the area as indicated within the approved development plans. Any additional earthworks and the construction of associated retaining structures outside of the nominated areas, requires separate approval.
- 49 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.
- 50 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste

Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Ecology/Trees - Construction Requirements

- 51 The Norfolk Island Pine trees at the rear of the site are to be retained and not felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed.

Erosion and Sediment Control - Construction Requirements

- 52 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.
- 53 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*.

Flooding - Construction Requirements

- 54 The minimum floor level of all habitable rooms is to be RL 3.6 metres AHD. Certification from a Registered Surveyor confirming that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the dwelling reaches floor level stage. **Note:** Framework associated with the building is not to be erected until such time as the floor level certification is received.

Services/Utility Requirements

- 55 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.
- 56 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

- 57 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.
- 58 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.
- 59 During the construction phase of the development, any excavation below the level of footings of buildings upon adjoining allotments requires the preservation and protection of the adjoining buildings from damage resulting from subsidence. Should it be necessary, the excavation is to be supported and the adjoining buildings underpinned in a manner certified by a suitably qualified Structural Engineer.
- 60 During the construction phase of the development, downpipes and the associated stormwater disposal system is to suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

Waste Management Requirements

- 61 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.

BASIX Requirements

- 62 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

Building Code of Australia – Compliance Requirements

- 63 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

- 64 Prior to the issue of an Occupation Certificate, the western buildings adjacent to the foreshore reserve shall be completed in accordance with the requirements of AS 3959-1999 - *Construction of Buildings in Bushfire Prone Areas*, for a Bushfire Attack Level of 12.5.
- 65 Prior to the issue of the Occupation Certificate, all water, electricity and gas supplies are to comply with the requirements of section 4.1.3 of 'Planning for Bushfire Protection 2006 (NSW)'.
- 66 A Bush Fire Emergency Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service document 'Guide for Developing a Bush Fire Emergency Evacuation Plan'.
- 67 Prior to the issue of the Occupation Certificate, landscaping on the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006 (NSW)' and all fencing is to be non-combustible.

Consolidation

- 68 The consolidation of Lot 1 DP 862588 and Lot 76 DP 227174 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.

Dilapidation Rectification Requirements

- 69 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

- 70 Prior to the issue of an Occupation Certificate, access to and throughout the buildings shall be certified by a suitably qualified consultant that it complies with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).

External Colours/Finishes Requirements

- 71 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/model/photomontage.

Filling and Haulage- Completion Requirements

- 72 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. 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.

Flooding – Compliance Requirements

- 73 Prior to the issue of an Occupation Certificate, all electrical circuits below the 1% AEP flood level are to be provided with a residual current device.
- 74 Prior to the issue of the Occupation Certificate, the surcharge gully for the development must be at a minimum level of 1.75 metres AHD and all plumbing and waste fixtures must be at a minimum level of 1.9 metres AHD. Irrespective of the above a minimum of 150mm must be maintained between the gully and the lowest waste fixture.
- 75 Prior to the issue of an Occupation Certificate, all rainwater storage tanks must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.
- 76 All recommendations of the Flood Emergency Management Plan requiring completion prior to occupancy must be completed prior to the issue of any Occupation Certificate.

Landscaping Requirements

- 77 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 in accordance with the approved landscape plan. 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

- 78 Prior to the issue of an Occupation Certificate, suitable lighting to carpark shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

Noise Control Requirements

- 79 Prior to the issue of an Occupation Certificate, the recommendations of the Road Traffic Noise Assessment prepared by SLR Global Environmental Solutions, Report Number 5405-R1 and dated 30 March 2011 must be implemented.
- 80 Prior to the issue of an Occupation Certificate, the carpark and basement areas are to have non-slip (low noise) surface treatments.
- 81 Mechanical fixing and acoustic isolation of any gates to/from the basement carparking is to be installed prior to the issue of an Occupation Certificate.
- 82 Prior to the issue of an Occupation Certificate, fencing to a minimum height of 1.8 metres, is to be constructed along the full length of the northern boundary to attenuate noise from the basement carpark and driveway.

Other Authorities – Compliance Requirements

- 83 Prior to the issues of an Occupation Certificate, compliance with the Controlled Activity Approval issued by the NSW Office of Water.

Plumbing and Drainage - Compliance Requirements

- 84 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

Restriction as to User

- 85 In accordance with the provisions of State Environmental Policy (Affordable Rental Housing) 2009, for 10 years from the date of the issue of the Occupation Certificate:
- (i) the dwellings proposed to be used for the purposes of affordable housing (being 50% of the units within the development) must be used for the purposes of affordable housing, and
 - (ii) all accommodation that is used for affordable housing must be managed by a registered community housing provider, and
 - (iii) A restriction must be registered, before the date of the issue of the Occupation Certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of (i) and (ii) are met.

Roads – Compliance Requirements

- 86 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.
- 87 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.
- 88 Any road works and or traffic control facilities within a state road must be completed in accordance with the approved Civil Works design drawings and RMS Works Authorisation Deed, and be jointly approved by Council as the Roads Authority and the RMS prior to the issue of any Occupation Certificate.

- 89 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.
- 90 The submission to the Council as the Roads Authority of a 'pre-opening stage' Road Safety Audit for the road intersection works prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of the works.
- 91 All works are to be carried out at no cost to Council or the RMS.

Safer by Design

- 92 To minimise the opportunity for crime and in accordance with Crime Prevention Through Environmental Design principles, the development shall incorporate the following:
- i. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the basement carpark, open carpark, common open space and any common stair access to these areas and pedestrian routes, including the waste storage areas. Such common lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties.
 - ii. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
 - iii. Ensure that the development minimises the opportunities for concealment or entrapment spaces.
 - iv. Walls/screens between balconies/courtyards shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
 - v. Ensure the development management adopts an ongoing policy of rapid repair of vandalism and graffiti and ensuring that all lighting is in working order. The use of durable and easily maintained external materials and finishes. The installation of sturdy, non corrosive catches, bolt and locks on doors/windows.
 - vi. Installation of peep holes (or equivalent) to the front door to all units to allow viewing of visitors prior to opening the door.
 - vii. Access control is to be provided to the basement carpark.

Statutory Certificate Requirements

- 93 Prior to the occupation of the building occurring, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. Occupation of the development without an Occupation Certificate is an offence under the provisions of the Environmental Planning and Assessment Regulation, 2000.
- 94 Prior to the Issue of an Occupation Certificate, a Final Fire Safety Certificate, as required by Clause 153 of the Environmental Planning and Assessment Regulation, 2000, certifying that all the Fire Safety Measures within the building have been designed and installed in accordance with the relevant standard of performance as nominated by the Fire Safety Schedule issued with the Construction Certificate, is to be supplied for the approval of the Principal Certifying Authority. Such Final Fire Safety Certificate is also to be displayed within a prominent location within the building such as the main entry.

Stormwater – Compliance Requirements

- 95 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.
- 96 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.
- 97 Prior to the issue of the final Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of the stormwater pump-out facilities. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the covenant.

Vehicle Access and Parking – Compliance Requirements

- 98 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1 and 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 99 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.

Work as Executed Requirements

- 100 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.

Restrictions on Use Requirements

- 101 The Community Housing Provider must undertake regular assessments of the rental levels for the local area to ensure that the proposed development is affordable for the intended residents.
- 102 The Community Housing Provider is to include as part of the tenancy agreement/contract signed by the residents that only one vehicle is to be allowed per unit (unless otherwise negotiated through the tenancy agreement/contract) and that anti-social behaviour will not be tolerated and would result in a breach of the tenancy agreement/contract.
- 103 The Community Housing Provider is to establish a complaints register to record and address any issues that arise, from tenants or local residents, such as noise, parking and other amenity impacts.

Site Appearance, Maintenance and Security Requirements

- 104 The owner/operator(s) of the site must maintain the external finishes of the building(s), structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 105 All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.
- 106 All carpark and public place lighting must be maintained to ensure continuing energy efficient lighting and the amenity of adjoining properties is preserved.

Vehicle Access and Parking – Ongoing Requirements

- 107 The pavement and pavement marking must be maintained in a serviceable condition.
- 108 Garbage/recycling bins must not be permitted to encroach with the carpark or vehicle manoeuvring areas.
- 109 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.

Flooding

- 110 All ongoing actions within the Flood Emergency Management Plan must be completed for the life of the development.

SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$4,863.90
Shire Wide Performing Arts Centre & Public Art	\$11,259.50
Shire Wide Administration	\$2,160.20
The Entrance/Long Jetty Open Space Land	\$11,208.95
The Entrance/Long Jetty Open Space Works	\$66,435.65
The Entrance Community Facilities Land	\$52,746.35
The Entrance Community Facilities Works	\$68,477.85
The Entrance/Long Jetty Roads	\$214,866.10



Area Calculation - Issue C
2 Storeys Multi-Unit Affordable Housing

Site Area = 6266.5 sq m
 Ground Floor Gross Area = 1668 sq m
 First Floor Gross Area = 1698 sq m
 Total Gross Area = 3366 sq m
 FSR = 0.5 : 1

Landscaped area = 1999sqm = 32%
 Deep Soil area = 1111.5sqm = 18%
 Common Open Space = 424.4sqm

No. One bedroom Units = 2
 No. One bedroom-disabled Units = 5
 No. Two bedroom Units = 35
 Total = 42 Units

No. of basement car parking = 22
 No. of ground floor car parking = 35
 (includes 5 for disabled)
 Total = 57 car spaces

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- THE CONTRACTOR SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA/NSW.
- PLEASE NOTE THAT GROUND LEVELS MAY VARY DUE TO SITE CONDITIONS.

NO.	AMENDMENTS	DATE
A	DEVELOPMENT APPLICATION	April 2011
B	DESIGN REVIEW	June 2011
C	REVISION	08/22/11

BASIC REQUIREMENTS

Water

- all showerheads to be 3 Star (if not <= 7.5L/min)
- all toilet flushing systems to be 3 Star
- all kitchen & bathroom taps to be 5 Star
- all clothes washers to be 2 Star
- central water tank is connected to antiscrape & toilets, each tank minimum 4000L
- all common area taps to be 5 Star

Energy

- all hot water system to be solar (electric boosted) fewer than 15 RECs
- all bathrooms to have individual fan, located in facade or roof, operation controlled interlocked to light
- all kitchen & laundry to have individual fan, located in facade or roof, manual switch on/off
- all kitchen, bathroom, hallway, laundry, hallway must have artificial lighting
- all living areas to have heating & cooling systems of 1-on-one air conditioning 2.5 Star (new rating)
- all units to have refrigerator 1 Star (new rating) with well ventilated fridge space
- all units to have electric cooking & electric oven
- all units to have clothes washer 2.5 Star
- all units to have clothes dryer 1.5 Star

Issue C:
1 unit removed

ISSUE C REVISION 08/22/11

architects
 1-41 2000 2011 F + 61 2 9233 1000
 10 Green Street, Sydney NSW 2000

PROJECT	Two 20 Wilfred Barrett Drive, North Sydney NSW	DA01
CLIENT		
DATE	2011-13	
SCALE	Site plan	

SITE PLAN



LOCALITY MAP



BUS SERVICE ROUTES



PROXIMITY TO PUBLIC TRANSPORT

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 5. PLEASE NOTE THAT GROUND LEVELS MAY VARY DUE TO SITE CONDITIONS.

NO.	REVISIONS	DATE
A	DEVELOPMENT VULNERATION	Apr 2011
B	DESIGN REVISION	Apr 2011
C	REVISION	Oct 2011

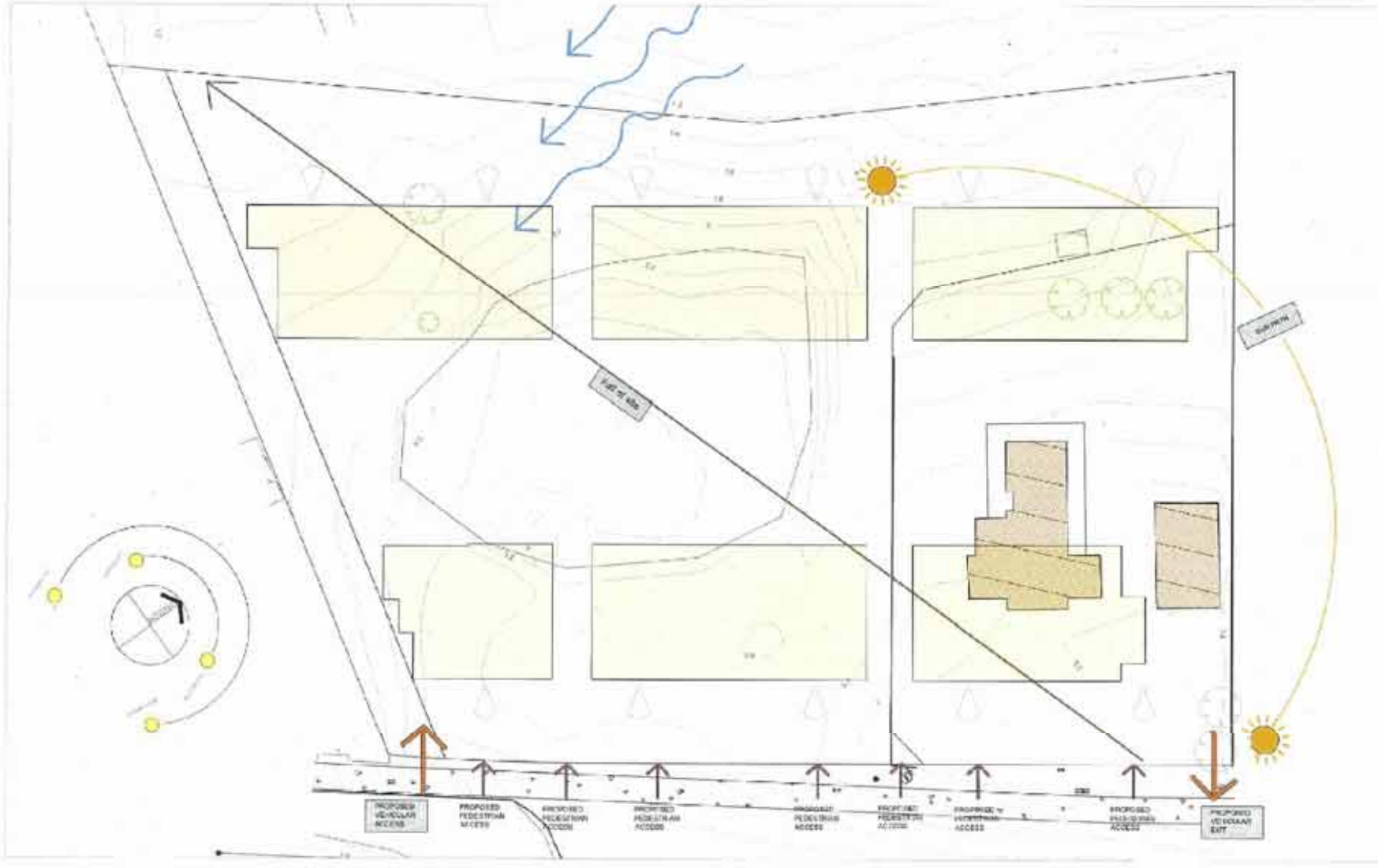
- BASIC REQUIREMENTS**
- Water**
- all showerheads to be 3 Star (or 6 but <= 7.5L/min)
 - all toilet flushing systems to be 3 Star
 - all kitchen & bathroom taps to be 3 Star
 - all clothes washers to be 2 Star
 - central water tank is connected to landscape & toilets, each tank minimum 4000L
 - all bathroom area taps to be 3 Star
- Energy**
- all hot water system to be 5.0 star (electric boosted) fewer than 15 RECs
 - all bedrooms to have individual fan, cycled to facade or roof, operation control in bedroom to light
 - all kitchen & laundry to have individual fan, ducted to facade or roof, manual switch on/off
 - all kitchen, bedrooms/bathrooms, laundry, hallway must have artificial lighting
 - all living areas to have heating & cooling systems of 1-phase airconditioning 2.5 Star (new rating)
 - all units to have refrigerator 1.5 Star (new rating) with well ventilated fridge space
 - all units to have electric cooktop & electric oven
 - all units to have clothes washer 2.5 Star
 - all units to have clothes dryer 1.5 Star



SCALE	REVISION	DATE
		09-2011



PROJECT:	No. 10, Wilson's Lagoon Drive, North Entrance NSW	DA02
DATE:		
NO. 1:200		
DATE:	2011-10	Site Analysis



LEGEND

- POTENTIAL OVERLOOKING
- PROPOSED VEHICULAR ACCESS/EXIT
- PROPOSED PEDESTRIAN ACCESS/EXIT
- EXISTING BUILDINGS TO BE REMOVED
- PROPOSED SETBACKS
- HILLS TO BE REMOVED
- TREES TO BE RETAINED

SITE ANALYSIS



BASEMENT PLAN

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 4. THE CONTRACTOR SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA).
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NO.	REVISIONS	DATE
A	DEVELOPMENT APPLICATION	Apr 2011
B	DESIGN REVISION	Jul 2011
C	REVISION	Oct 2011

- BASIC REQUIREMENTS**
- Water**
- all showerheads to be 3 Star (NS but < 7.5L/min)
 - all toilet flushing systems to be 3 Star
 - all kitchen & bathroom taps to be 5 Star
 - all clothes washers to be 2 Star
 - central water tank is connected to landscape & toilets, each tank minimum 4000L
 - all kitchen sink taps to be 5 Star
- Energy**
- all hot water system to be solar (electric boosted) fewer than 15 RECCs
 - all bedrooms to have individual fan, ducted to facade or roof, operation control interlocked to light
 - all kitchen & laundry to have individual fan, ducted to facade or roof, manual switch on/off
 - all kitchen, bathroom/staircase, laundry, hallway, wardrobes have LED lighting
 - all living areas to have heating & cooling systems of 1-phase air conditioning 2.5 Star (new rating)
 - all units to have refrigerator 1 Star (new rating) with well ventilated fridge space
 - all units to have electric cooktop & electric oven
 - all units to have clothes washer 2.5 Star
 - all units to have clothes dryer 1.5 star



DATE:	REVISION:	Co-2011
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Project:	40 Wilfred Barrett Drive North Cheltenham VIC 3191	DA03
Site:		
Scale:	AS APPLICABLE	
Drawn by:	DA03/13	
Checked by:	DA03/13	
Date:	2011-13	Basement plan



Area Calculation - Issue C
2 Storeys Multi-Unit Affordable Housing

Site Area = 6266.5 sq m
 Ground Floor Gross Area = 1668 sq m
 First Floor Gross Area = 1698 sq m
 Total Gross Area = 3366 sq m
 FSR = 0.5 : 1

Landscaped area = 1999sqm = 32%
 Deep Soil area = 1111.5sqm = 18%
 Common Open Space = 424.4sqm

No. One bedroom Units = 2
 No. One bedroom-disabled Units = 5
 No. Two bedroom Units = 35
Total = 42 Units

No. of basement car parking = 22
 No. of ground floor car parking = 35
 (includes 5 for disabled)
Total = 57 car space

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 - THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS.
 - THE CONTRACTOR SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND AS.
 - PLEASE NOTE THAT GROUND LEVELS MAY VARY SLIGHTLY TO SITE CONDITIONS.

NO.	DESCRIPTION	DATE
A	DEVELOPMENT APPLICATION	Apr 2011
B	DESIGN REVISION	JUN 2011
C	REVISION	Oct 2011

BASIC REQUIREMENTS

- Water**
- all showerheads to be 5 Star (>8 but <= 7.5L/min)
 - all toilet flushing systems to be 5 Star
 - all kitchen & bathroom taps to be 5 Star
 - all clothes washers to be 2 Star
 - central water tank is connected to landscape & toilets, each tank minimum 4000L
 - all common area taps to be 5 Star
- Energy**
- all hot water system to be solar (electric boosted) fewer than 15 RECs
 - all bathrooms to have individual fan, ducted to facade or roof, operation control interlocked to light
 - all kitchen & laundry to have individual fan, ducted to facade or roof, manual switch on/off
 - all kitchen, bathroom/toilets, laundry, hallways must have artificial lighting
 - all living areas to have heating & cooling systems
 - all living areas to have 2.5 Star (new rating)
 - all units to have refrigerator 1 Star (new rating) with wall vertical fridge space
 - all units to have electric cooktop & electric oven
 - all units to have clothes washer 2.5 Star
 - all units to have clothes dryer 1.5 star



ISSUE C REVISION Oct 2011



Project:	No 35 Wilfred Barrett Drive Newcastle NSW	DA04
Client:	Private Housing	
Scale:	1:1250	
Drawn:	SA	
Checked:	SA	
Issue:	2011-13	Ground floor plan

GROUND FLOOR PLAN



FIRST FLOOR PLAN

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 - THE CONTRACTOR SHALL COMPLY WITH RELEVANT AUSTRALIAN STANDARDS.
 - THE CONTRACTOR SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) & PLEASE NOTE THAT DECK LEVELS MAY VARY DUE TO SITE CONDITIONS.

REV.	REVISIONS	DATE
A	DEVELOPMENT APPLICATION	Apr 2011
B	DEVELOPMENT REVIEW	Jul 2011
C	REVISION	Oct 2011

- BASIC REQUIREMENTS**
- Water**
- all showerheads to be 3 Star (HG but <= 7.5L/min)
 - all toilet flushing systems to be 3 Star
 - all kitchen & bathroom taps to be 3 Star
 - all clothes washers to be 2 Star
 - central water tank is connected to landscape & toilets. each tank minimum 4000L
 - all common area taps to be 3 Star
- Energy**
- all hot water system to be solar (electric boosted) lower than 15 RECs
 - all bath rooms to have individual fans, cased to facade or roof, operation control & star rated to light
 - all kitchen & laundry to have individual fan, cased to facade or roof. manual switch on/off
 - all kitchen, bathroom/toilets, laundry, hallways must have artificial lighting
 - all living areas to have heating & cooling systems of 1 phase air conditioning 2.5 Star (new rating)
 - all units to have refrigerator 1 Star (new rating) with well ventilated fridge space
 - all units to have electric smoke & electric oven
 - all units to have clothes washer 2.5 Star
 - all units to have clothes dryer 1.5 star

Issue C:
1 unit removed



REV C	REVISION	Oct 2011
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PROJECT	16-17 Wilfred Barrett Drive North Darlington NSW	DA05
DATE	2011-13	
PROJECT NO.	440000000000	
PROJECT NAME	First Floor plan	



ROOF PLAN

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 4. THE CONTRACTOR SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND PLEASE NOTE THAT GROUND LEVELS MAY VARY DUE TO SITE CONDITIONS.

ISSUE / AMENDMENTS	DATE
A. DEVELOPMENT APPLICATION	Apr 2011
B. DRAINAGE DESIGN	Jul 2011
C. REVISION	Oct 2011

BASIC REQUIREMENTS

Water

- all showerheads to be 3 Star (or less than 7.5L/min)
- all toilet flushing systems to be 3 Star
- all kitchen & bathroom taps to be 3 Star
- all clothes washers to be 2 Star
- central water tank is connected to landscape & toilets, each tank minimum 4000L
- all common area taps to be 3 Star

Energy

- all hot water system to be solar (electric boosted) fewer than 15 RECs
- all bathrooms to have individual fan, ducted to terrace or roof, speed control interlocked to light
- all kitchen & laundry to have individual fan, ducted to terrace or roof, manual switch on/off
- all kitchen, bathroom/toilets, laundry, hallways must have artificial lighting
- all living areas to have heating & cooling systems of 1-phase air conditioning 2.5 Star (new rating)
- all units to have refrigerator 1 Star (new rating) with well ventilated fridge space
- all units to have electric cooktop & electric oven
- all units to have clothes washer 2.5 Star
- all units to have clothes dryer 1.5 star



ISSUE C	REVISION	Oct 2011
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Project:	16 St Johns, South Drive North Brisbane QLD	DA06
Client:		
Architect:	Australian Consultant Architects	
Drawn by:	DA	
Checked by:	DA	
Date:	2011.13	Roof plan

UNIT TYPES

GROUND FLOOR



FIRST FLOOR



WINDOW SCHEDULE

UNIT TYPE	LEVEL	NO	SIZE	ORIENTATION	OPENING	TYPE
G1	Ground	W01	3090 x 2700h	North-West or South East	60%	3 Panel Awning Window
		W02	4095 x 2700h	North-West or South East	100%	4 Panel Bi-fold Door
G2	Ground	W03	3090 x 2700h	North-West or South East	60%	3 Panel Awning Window
		W04	4095 x 2700h	North-West or South East	100%	4 Panel Bi-fold Door
G3	Ground	W05	3090 x 2700h	North-West or South East	60%	3 Panel Awning Window
		W06	2000 x 2700h	North-West or South East	50%	2 Panel Sliding Door
		W07	4095 x 2700h	North-West or South East	100%	4 Panel Bi-fold Door
G4	Ground	W08	4095 x 2700h	North-West or South East	100%	4 Panel Bi-fold Door
		W09	2700 x 2700h	North-West or South East	60%	3 Panel Awning Window
		W10	3400 x 2700h	North-West or South East	60%	3 Panel Awning Window
G5	Ground	W11	1500 x 1500h	North-West or South East	50%	2 Panel Sliding Window
		W12	3000 x 2700h	North-West or South East	60%	3 Panel Awning Window
		W13	2800 x 2700h	North-West or South East	100%	3 Panel Bi-fold Door
		W14	3595 x 2700h	North-West or South East	65%	3 Panel Sliding Door
F3	First	W21	1500 x 1700h	North-West or South East	50%	2 Panel Sliding Window
		W22	1800 x 2700h	North-West or South East	50%	2 Panel Sliding Window
		W23	1800 x 2700h	North-West or South East	50%	2 Panel Sliding Window
		W24	2800 x 2700h	North-West or South East	100%	3 Panel Bi-fold Door
		W25	3595 x 2700h	North-West or South East	65%	3 Panel Sliding Door

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REV	AMENDMENTS	DATE
A	DEVELOPMENT APPLICATION	Apr 2011
B	DESIGN REVISION	Jun 2011
C	REVISION	Oct 2011

first floor plan

ground floor plan

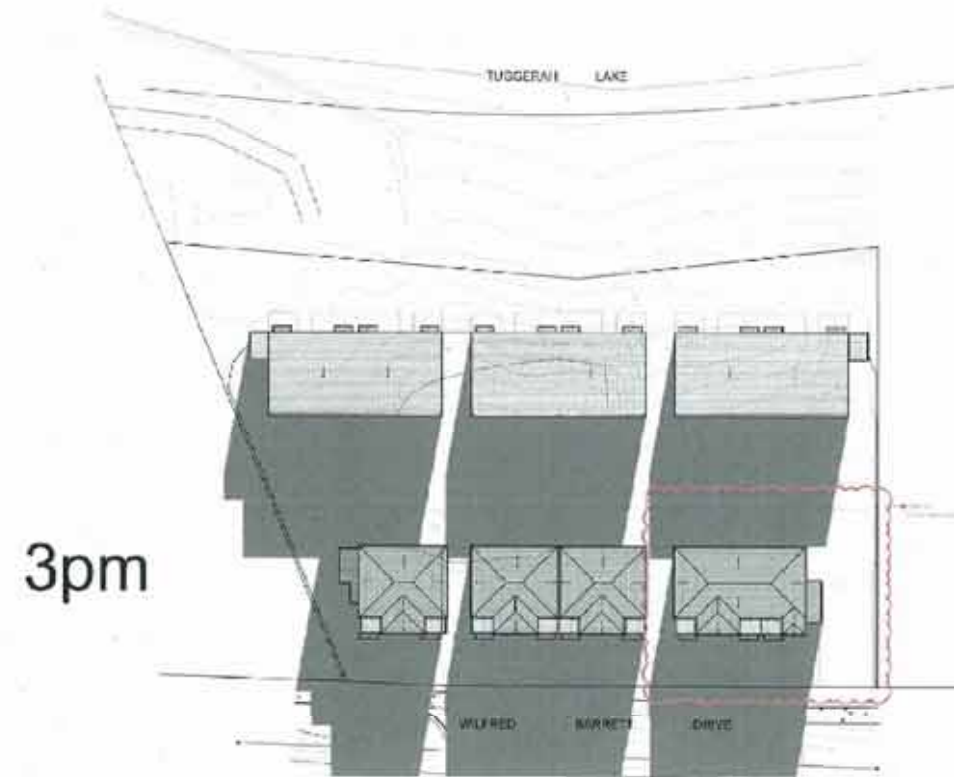
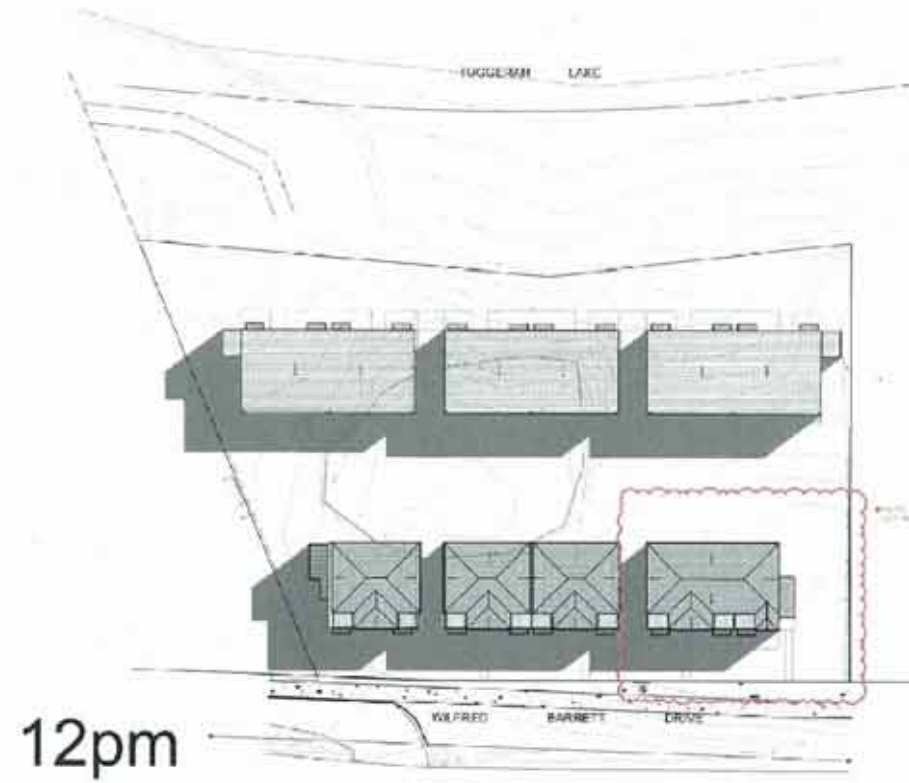
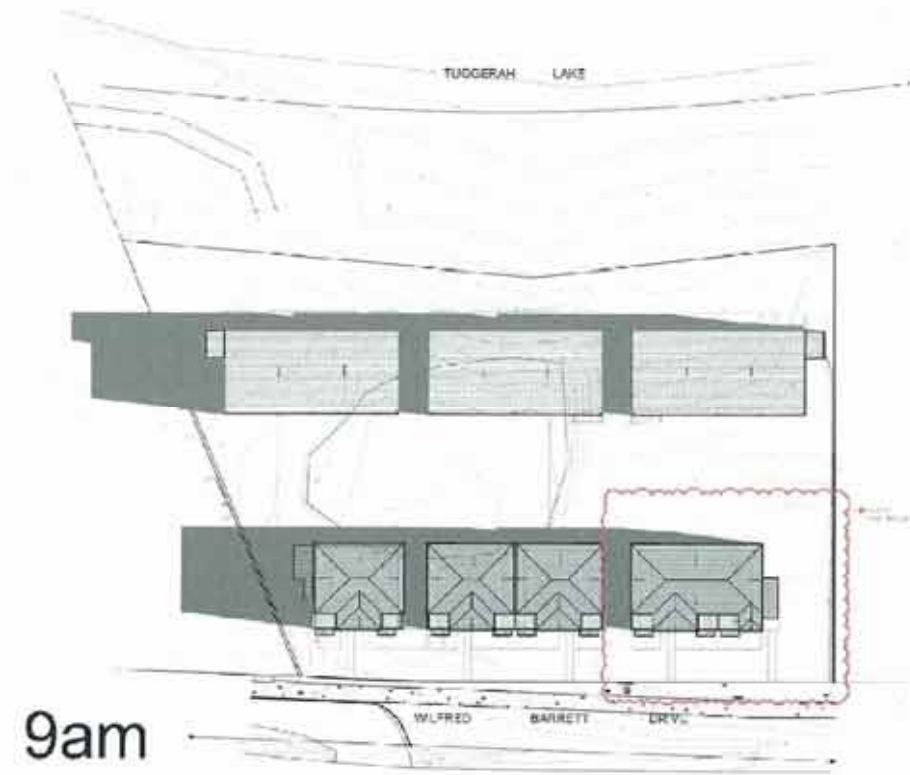
DATE: 10/10/11 REVISED: Co-2011

architects

100 St Johns Road, Suite 200, Melbourne VIC 3000
T: 03 9412 1234 F: 03 9412 1235 E: info@combibarrichitects.com.au

Project: 100 St Johns Road Suite 200 Melbourne VIC	DA07
Client: Australian Council of Government Services	
Scale: As Shown	Unit Types
Project No: 2011-13	

UNIT TYPES



SOLAR ACCESS ANALYSIS

UNIT NO.	Solar access on 21 Jun No. Hrs between 9am-3pm	Achieved minimum 3hrs	UNIT NO.	Solar access on 21 Jun No. Hrs between 9am-3pm	Achieved minimum 3hrs
01	3	yes	32	4	yes
02	3	yes	33	4	yes
03	3	yes	34	4	yes
04	3	yes	35	4	yes
05	3	yes	36	4	yes
06	3	yes	37	4	yes
07	3	yes	38	4	yes
08	3	yes	39	4	yes
09	3	yes	40	4	yes
10	4	yes	41	4	yes
11	4	yes	42	4	yes
12	4	yes	43	4	yes
13	4	yes			
14	4	yes			
15	4	yes			
16	4	yes			
17	4	yes			
18	4	yes			
19	4	yes			
20	4	yes			
21	4	yes			
22	3	yes			
23	3	yes			
24	3	yes			
25	3	yes			
26	3	yes			
27	3	yes			
28	3	yes			
29	3	yes			
30	3	yes			

TOTAL all dwellings achieved
100%

Issue C
1 unit removed

SHADOW ANALYSIS June 21 (winter solstice)

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4. THE CONTRACTOR SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA IN SCALE.
5. PLEASE NOTE THAT GROUND LEVELS MAY VARY DUE TO SITE CONDITIONS.

ISSUE	AMENDMENTS	DATE
A	DEVELOPMENT APPLICATION	2nd 2011
B	DESIGN REVISION	Jul 2011
C	REVISION	Oct 2011

first floor plan

ground floor plan

ISSUE	REVISION	DATE
ISSUE C	REVISION	Oct 2011

architects
1st Floor 2011-13
12 Underwood Parkway, New South Wales 2111

PROJECT	No. 17 Wilfred Barrett Drive Newcastle NSW	DA08
DATE	2011-13	Shadow analysis



ELEVATION SOUTH EAST 1:200



STREET ELEVATION 1:200



ELEVATION NORTH WEST-LAKE ELEVATION 1:200



ELEVATIONS

DETAIL ELEVATION SOUTH EAST-STREET ELEVATION 1:100



DETAIL ELEVATION NORTH WEST-LAKE ELEVATION 1:100

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NO.	AMENDMENTS	DATE
A	DEVELOPMENT APPLICATION	Apr 2011
B	DESIGN REVISION	Jul 2011
C	REVISION	Oct 2011

BASIC REQUIREMENTS

Water

- all showerheads to be 3 Star (>6 but <= 7.5L/min)
- all toilet flushing systems to be 3 Star
- all kitchen & bathroom taps to be 5 Star
- all clothes washers to be 2 Star
- central water tank is connected to landscape & toilets, each tank minimum 4000L
- all common area taps to be 5 Star

Energy

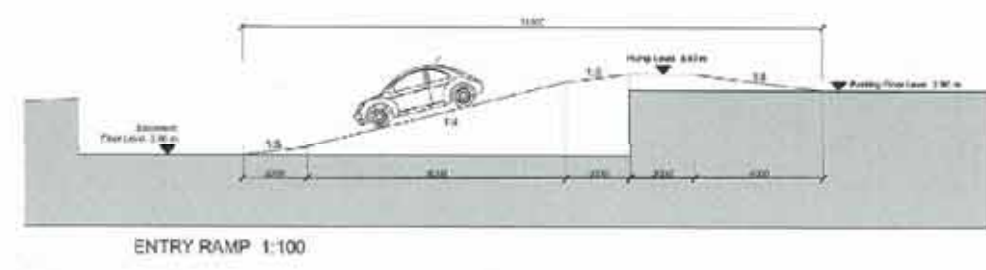
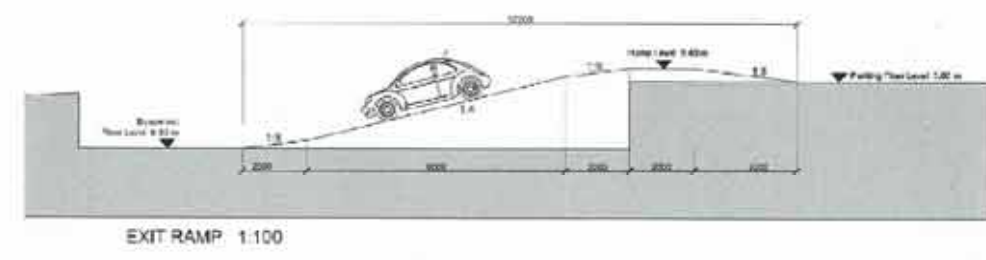
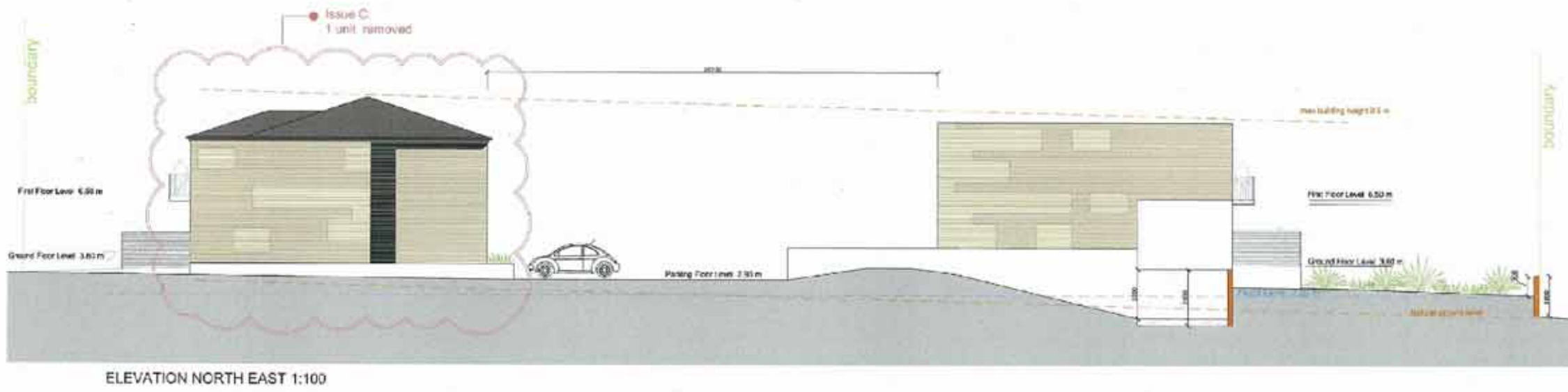
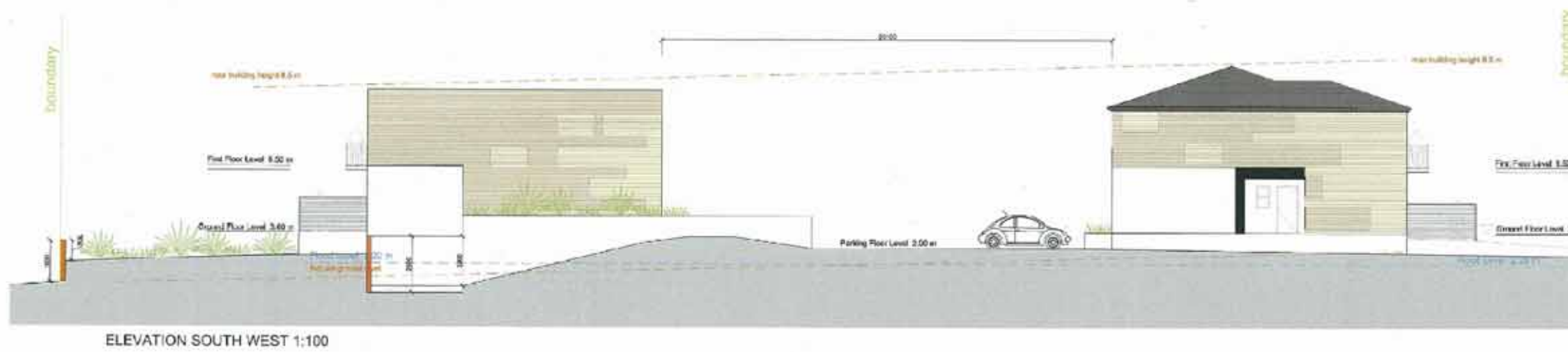
- all hot water system to be solar (electro boosted) lower than 15 RPHCs
- all bathrooms to have individual fan, ducted to facade or roof, operation control interlocked to light
- all kitchen & laundry to have individual fan, ducted to facade or roof, manual switch on/off
- all kitchen, bathroom/toilets, laundry, hallways must have artificial lighting
- all living areas to have heating & cooling systems of 1-phase airconditioning 2.5 Star (new rating) with well ventilated fridge space
- all units to have electric cooking & electric oven
- all units to have clothes washer 2.5 Star
- all units to have clothes dryer 1.5 star



SCALE: REVISION: DATE



PROJECT	No 20 Wilford Street Drive Bentley Western Australia	DA09
DATE	2011-10	
SCALE	As indicated on drawing	
REVISION	2011-10	Elevations 1



ELEVATIONS & DRIVEWAY PROFILE

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- THE CONTRACTOR SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA.
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NO.	DESCRIPTION	DATE
A	DEVELOPMENT APPLICATION	Apr 2011
B	DESIGN REVISION	Jul 2011
C	REVISION	04/2011

BASIC REQUIREMENTS

Water

- all showerheads to be 3 Star (16 but < 7.6 Lit/min)
- all toilet flushing systems to be 3 Star
- all kitchen & bathroom taps to be 3 Star
- all clothes washers to be 2 Star
- central water tank is connected to landscaped & toilets, each tank minimum 4000L
- all common area taps to be 3 Star

Energy

- hot water system to be solar (electric boosted) fewer than 15 RECs
- all bathrooms to have individual fan, ducted to facade or roof, operator control interlocked to light
- all kitchen & laundry to have individual fan, ducted to facade or roof, manual switch or pull
- all kitchen, bathrooms, toilets, laundry, hallways must have artificial lighting
- all living areas to have heating & cooling systems of 1 phase, air conditioning 2.5 Star (new rating)
- all units to have refrigerator 1 Star (new rating) with well ventilated fridge space
- all units to have electric cooktop & electric oven
- all units to have clothes washer 2.5 Star
- all units to have clothes dryer 1.5 star



ISSUE C	ISSUES	04/2011
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architects
 AUSTRALIAN CONSULTANT ARCHITECTS PTY LTD
 1401 SWAN STREET #1111 SWAN HILL
 12 JAMES STREET PERTH WA 6000

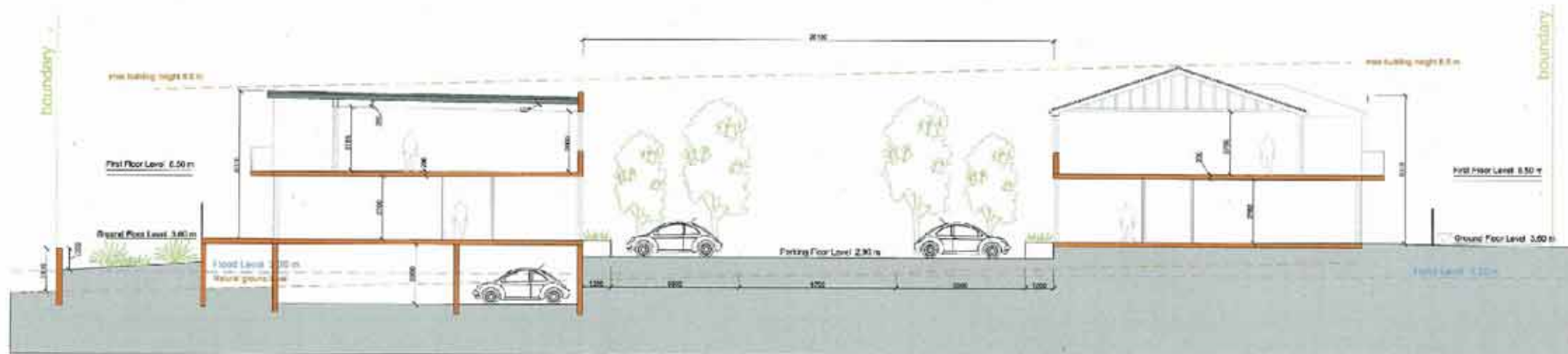
Project:	1401 SWAN STREET UNIT 1111 SWAN HILL	DA10
Client:	1401 SWAN STREET UNIT 1111 SWAN HILL	
Architect:	Australian Consultant Architects Pty Ltd	
Project No.:	2311-13	Elevations & Driveway Profile



SECTION A-A' 1:200



SECTION A-A' 1:100



SECTION B-B' 1:100

SECTIONS

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DATE	REVISIONS	DATE
A	DEVELOPMENT APPLICATION	Apr 2011
B	DESIGN REVISION	Jul 2011
C	REVISION	Oct 2011

BACK REQUIREMENTS

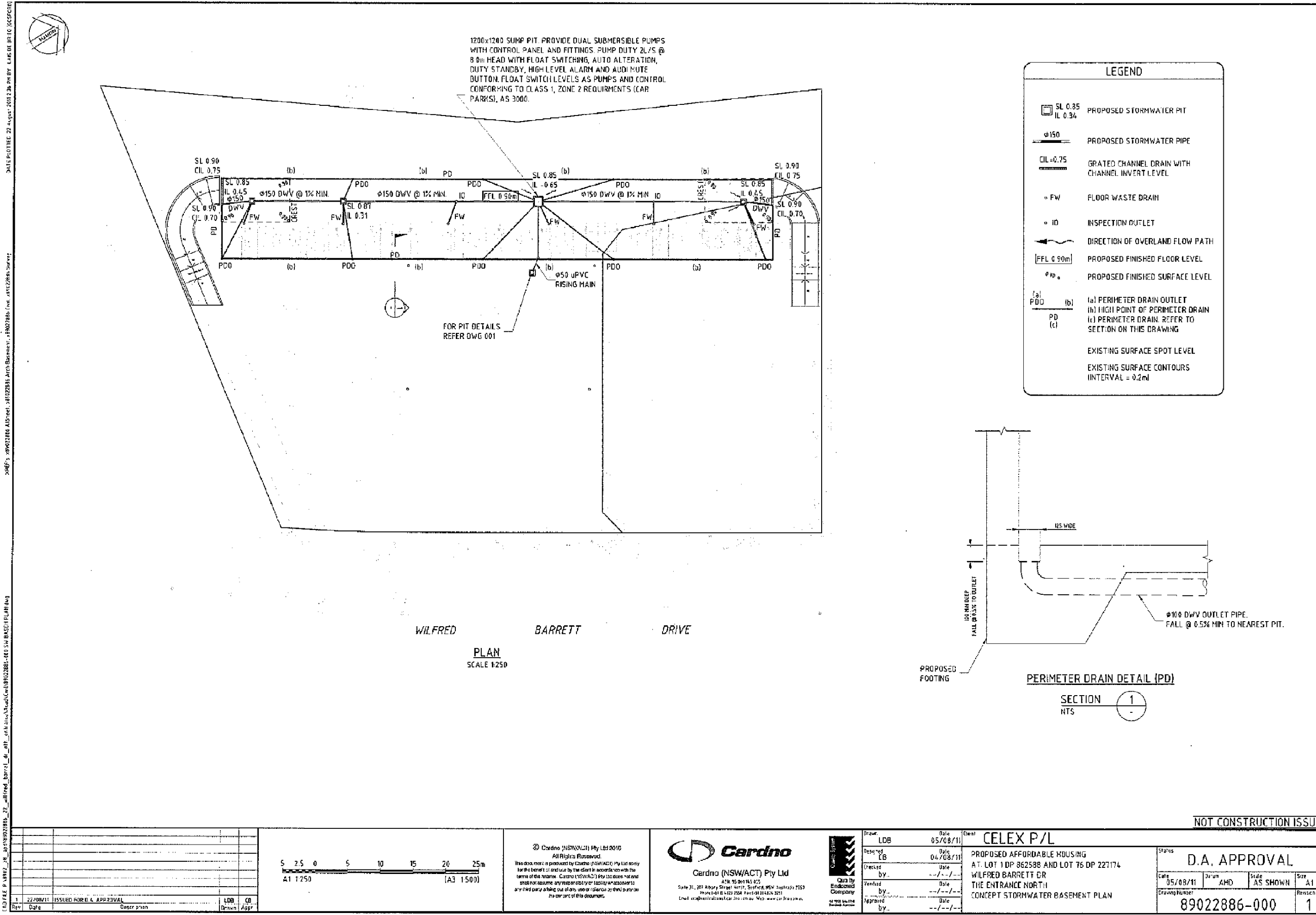
- Water**
- all showerheads to be 3 Star (HS but <= 7.5L/min)
 - all toilet flushing systems to be 3 Star
 - all kitchen & bathroom taps to be 5 Star
 - all clothes washers to be 2 Star
 - central water tank is connected to landscape & toilets, with tank maximum 4000L
 - all common area taps to be 5 Star
- Energy**
- all hot water system to be solar (electric boosted) lower than 15 RECs
 - all bathrooms to have individual fan, ducted to facade or roof, operation control interlocked to light
 - all kitchen & laundry to have individual fan, ducted to facade or roof, manual switch on/off
 - all kitchen, bathroom/toilets, laundry, hallway must have artificial lighting
 - all living areas to have heating & cooling systems of 1/2 (base air conditioning 2.5 Star (zone rating))
 - all units to have refrigerator 1 Star (new rating) with unit vent area fridge space
 - all units to have electric cooktop & electric oven
 - all units to have clothes washer 2.5 Star
 - all units to have clothes dryer 1.5 star

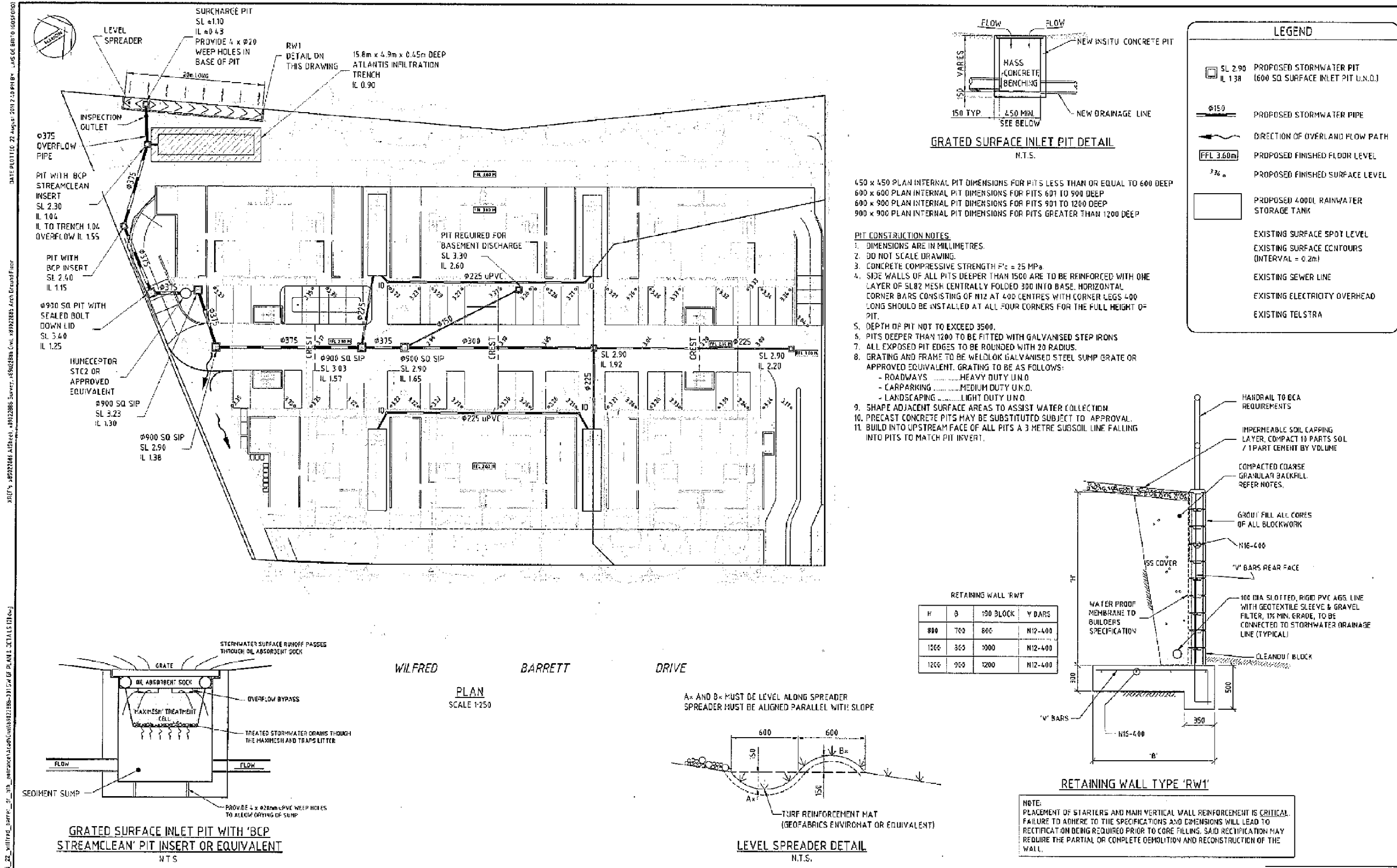


REV C	REVISION	Oct 2011
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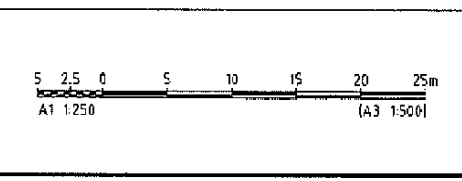


Project:	No. 11 Wilson Street Drive North Sydney NSW	DA11
Client:	Whitaker Housing	
Scale:	As Shown	
Issue:	2011-12	S&C/006





Rev	Date	Description	Drawn	App'd
2	22/06/11	ISSUED FOR D.A. APPROVAL	LDB	
1	30/04/11	ISSUED FOR D.A. APPROVAL	LDB	SR



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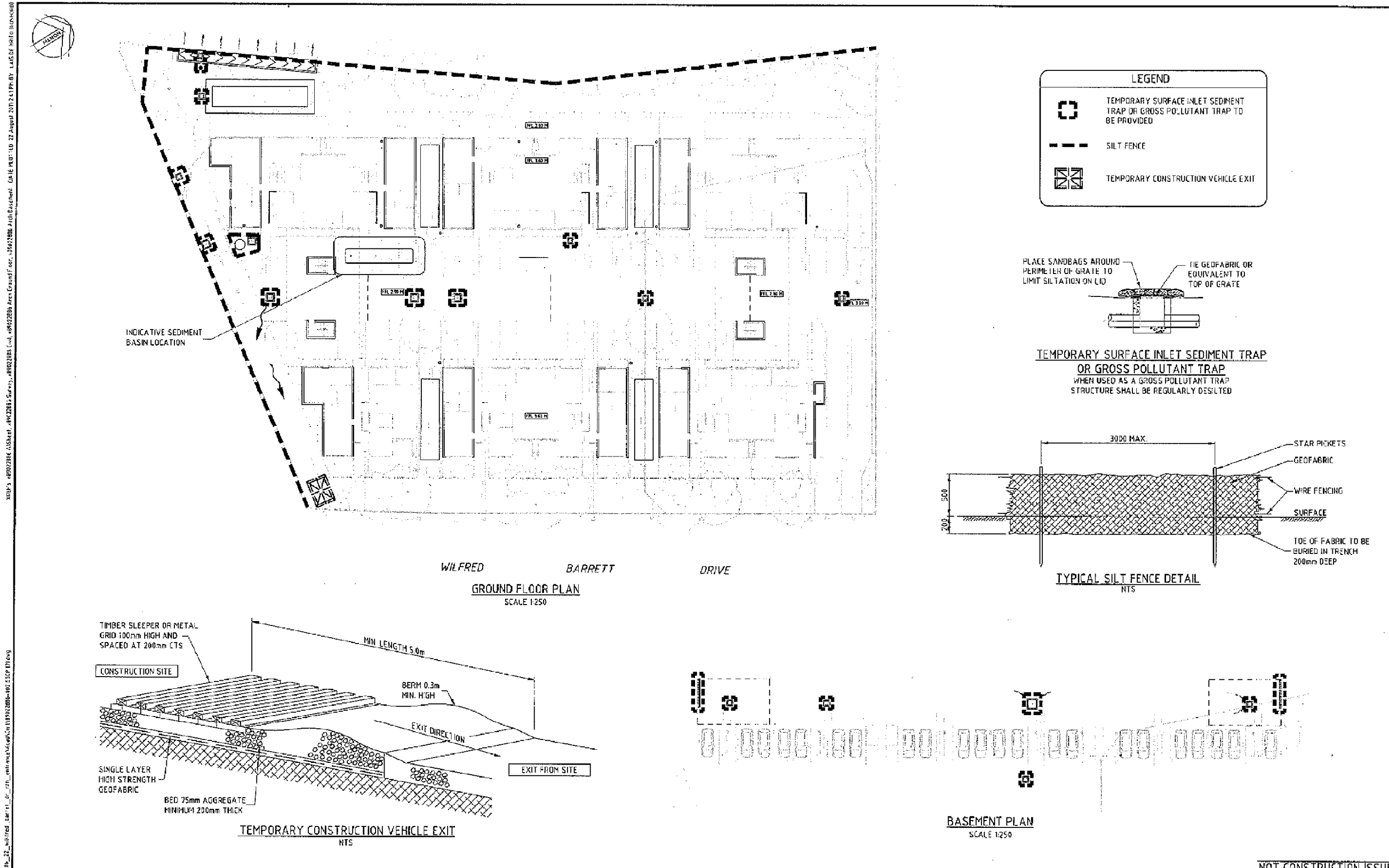
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 Cardno (NSWACT) Pty Ltd
 111 93 691 645 033
 Suite 17, 201 Albany Street South, Gold Coast, Queensland 4217
 Phone (61) 7 4332 2508 Fax (61) 7 4332 9151
 Email: info@cardno.com.au Web: www.cardno.com.au

Drawn	Date	Client
LDB	17/03/11	CELEX P/L
Checked	17/03/11	
Verified		
Approved		

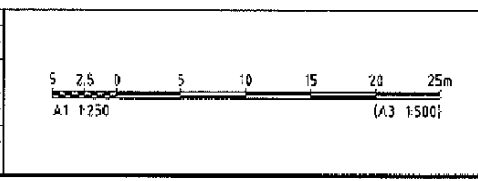
PROPOSED AFFORDABLE HOUSING
 AT LOT 10P 862588 AND LOT 76 DP 227174
 WILFRED BARRETT DR
 THE ENTRANCE NORTH
 CONCEPT STORMWATER GROUND FLOOR PLAN & DETAILS

Date	Drawn	Scale	Size
17/03/11	AHD	AS SHOWN	A1

Drawing Number: 89022886-001
 Sheets: 2



Rev	Date	Description	Drawn	Appr
2	22/02/11	ISSUED FOR B.A. APPROVAL	LDB	-
1	01/02/11	ISSUED FOR B.A. APPROVAL	LDB	SB

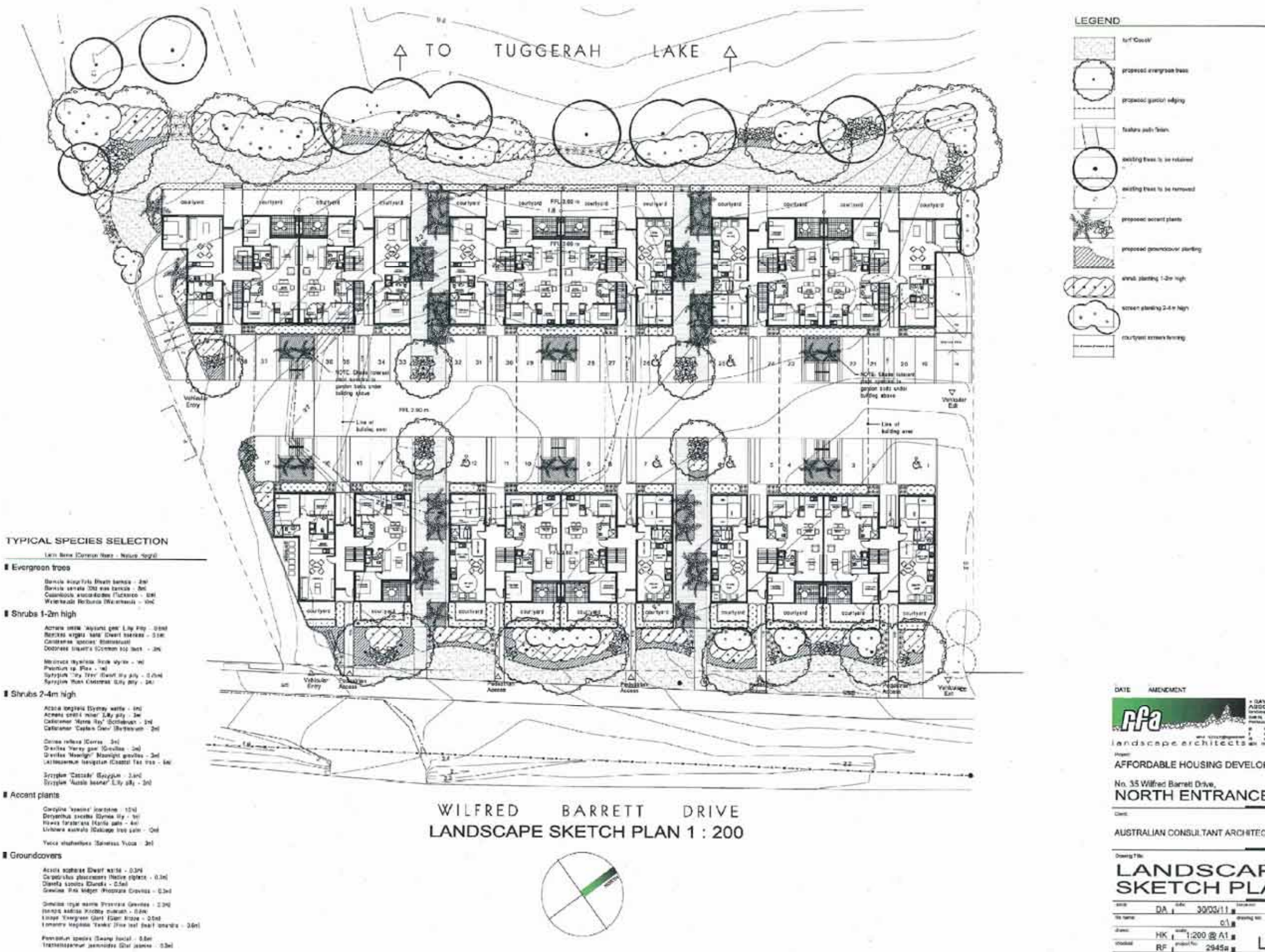


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 Email: info@cardno.com.au Web: www.cardno.com.au

Drawn	LDB	Date	31/03/11
Checked	SB	Date	31/03/11
Checked by		Date	---
Verified by		Date	---
Approved by		Date	---

NOT CONSTRUCTION ISSUE			
CELEX P/L			
PROPOSED AFFORDABLE HOUSING			
AT: LOT 1 DP 862588 AND LOT 76 DP 227174			
WILFRED BARRETT DR			
THE ENTRANCE NORTH			
EROSION AND SEDIMENTATION CONTROL PLAN			
Status	D.A. APPROVAL		
Date	31/03/11	Cal'n	AHD
Scale	AS SHOWN		Site
Sheet	A1		Revised
Drawing Number	89022886-002		2



Date: 10 April 2012
Responsible Officer: Jenny Webb
Location: 4 Brogden Road, THE ENTRANCE NORTH NSW 2261
 Pt Lot 21 DP 11682, LI 198543
Owner: Mr A A Sammut
Applicant: Sjh Planning & Design
Date Of Application: 10 March 2011
Application No: DA/200/2011
Proposed Development: Residential Flat Building (containing 3 townhouses) and Dwelling House
Land Area:
Existing Use: XXXX

PROPOSED CONDITIONS

Approved Plans

- The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Revision	Date	Drawn By
Proposed Residential Flat Building and Detached Dwelling	1526 F/A Sheets 1-4	-	2/8/11	SJH Planning and Design

Certificates – Application and Approval

- 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.
- 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.
- 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.

Acid Sulphate Soils – Investigation and Reporting Requirements

- 5 Prior to the issue of a Construction Certificate, an Acid Sulphate Soils Assessment Report and Management Plan prepared by a suitably qualified person, 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) 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.

Erosion and Sediment Control – Design Requirements

- 7 Prior to the issue of a Construction Certificate, design details for the control of soil erosion from the site must be provided for the approval of the Accredited Certifier. Required design details must comply with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites or '*Soils and Construction – Managing Urban Stormwater*' (Blue Book).

Flooding Design Requirements

- 8 Prior to the issue of a Construction Certificate, design drawings must be provided for the approval of the Accredited Certifier detailing the following requirements: -
 - A minimum floor level of RL 3.1 metres Australian Height Datum (AHD) for all habitable rooms, as defined within the Building Code of Australia.
 - A minimum floor level of RL 1.9 metres AHD for all non habitable rooms with plumbing and drainage fixtures.
 - The required surcharge gully is to have a minimum RL of 1.75 metres AHD.
- 9 Prior to the issue of a Construction Certificate, detailed design drawings must be prepared for the approval of the Accredited Certifier by a suitably qualified Structural Engineer in accordance with the requirements of the Hawkesbury-Nepean Floodplain Management Steering Committee publication *Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas*, for the following flooding characteristics applicable to the development:

- 1% AEP flood level of RL 3.1 metres AHD.
- Average flood velocity of 3.2 metres per second.

An appropriate factor of safety must be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.

- 10 Prior to the issue of a Construction Certificate, design drawings and specifications must be submitted for the approval of the Accredited Certifier for the following flooding characteristics applicable to the development:
- The storage of all toxic or pollutant substances at least 500mm above the 1% AEP flood level. Alternatively these materials may be placed within an area protected by bunds constructed 500mm above the 1% AEP flood level.
 - All electrical outlets and fixtures below the 1% AEP flood level protected by a residual current device (safety switch).
 - Flood compatible materials must be used for all building materials used or placed below the 1% AEP flood level.
 - Methodology for addressing the increased salinity level and height of groundwater level anticipated with predicted sea level rise for footing design.
- 11 The preparation of a Flood Emergency Management Plan (FEMP) to mitigate the risk to life and property by a suitably qualified and experienced consultant. The plan must include, but not limited to, the following:
- Source and severity of flooding.
 - A site specific evacuation plan prepared, desirably in consultation with the State Emergency Service, including commentary of the 'last chance' opportunity for self sufficient low hazard evacuation.
 - Methods of accessing real time flood data and warnings
 - Recommendations and contingencies for occupants during and after a flood event in relation to communications, supplies, services and any other elements identified by the flooding consultant.
 - Methods of disseminating the contents of the FEMP to current and future occupants.
 - Revision frequency for the FEMP, and requirement to provide a copy of any revision to Wyong Shire Council.
 - Recommendations for amendments/additions to the development plans to facilitate ease of evacuation.
 - Recommendations for actions prior to the occupation of the development
- The plan must be certified and submitted to the Accredited Certifier prior to the issue of the Construction Certificate. A copy of the FEMP must be supplied to Wyong Shire Council and the registered proprietor of the land.

Noise Control Requirements

12 Prior to the issue of a Construction Certificate details are to be provided to the Accredited Certifier demonstrating that the design can comply with the acoustic assessment prepared by Renzo Tonin and Associates, Reference No Tf140-01f02 (Rev 1) dated 17 January 2011, including the following components as detailed in the assessment:

- Glazing Design Requirements
- Building Ventilation and Air-Conditioning
- Facade and Roof Sound Insulation
- Quality Assurance
- Recommended Noise Control Measures for Mechanical Plant

Roadworks - Design Requirements

13 Where conditions of this consent require approval from Council as the Roads Authority, a Subdivision Construction Certificate application 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.

14 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:

- half road pavement construction adjoining the proposed kerb and guttering.
- Concrete footpath 1.2 metres wide for the full street frontage of the development.
- Street trees at a maximum of 15.0 metre spacing.
- Vehicle access crossing(s).
- The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
- Any associated works to ensure satisfactory transitions to existing infrastructure
- Kerb and guttering for the full street frontage of the development and extending down to the existing kerb return at the Brogden Road/Hargraves Street intersection. Note that the extent of kerb and guttering is required to reach the established Council drainage system in Hargraves Street.

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 prior to the issue of a Construction Certificate.

Stormwater Drainage - Design Requirements

- 15 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Suitably sized galvanised box section across the footpath area to connect to the existing kerb and guttering.
 - Drainage pit at the boundary line.
 - The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
 - The prevention of any obstruction to surface or subsurface drainage that could result in the disruption of the amenity, drainage or deterioration to any other property.

The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 16 Stormwater drainage works external to the site and 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

- 17 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements
- Piers
 - Footings
 - Slab
- 18 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon 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 suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.

- 19 Prior to the issue of a Construction Certificate, suitable detailed design drawings for all retaining wall structures on the site are to be provided for the approval of the Accredited Certifier. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or structural improvements within the adjoining property.

Vehicle Access and Parking - Design Requirements

- 20 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.

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.

Water and Sewer Services - Design Requirements

- 21 The developer must submit an application to Council under Section 305 of the Water Management Act 2000 for any requirements for the obtaining of a Section 307 Certificate of Compliance. The application must be made prior to the issue of the Construction Certificate. **Note:** The Section 305 Notice may contain 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.

Demolition Requirements

- 22 Prior to the demolition of existing structures on site, all existing site services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector certifying that the works have been undertaken to the satisfaction of Council as the Water and Sewer Authority. Thiess Service's Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.
- 23 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 issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.

- 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.
- 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 for disposal.

Erosion and Sediment Control Requirements

- 24 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.
- 25 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.

Home Building Act Requirements

- 26 Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- the name of the insurer by whom the work is insured under Part 6 of that Act.

In the case of work to be done by the holder of an owner-builder permit under that Act:

- the name and permit number of the owner-builder.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Protection of Adjoining Property Requirements

- 27 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Roads - Preconstruction Requirements

- 28 Prior to commencing any works upon public roads the developer and their contractor 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.
- 29 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 Traffic Authority (RTA) 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.
- 30 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

- 31 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.
- 32 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.
- 33 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 34 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.
- 35 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify '*Dial Before You Dig*' of the time and place of work no more than thirty (30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

During Construction Works:

The following conditions must be satisfied during construction works.

Acid Sulphate Soils – Construction Requirements

- 36 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 development.

Approved Plans

- 37 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.

Demolition - Compliance Requirements

- 38 Any demolition work carried out with respect to the development is to be carried out in accordance with the requirements of AS 2601-2001 – *The Demolition of Structures*.
- 39 The disposal of any asbestos materials must be in accordance with the requirements of WorkCover NSW and AS 2601-2001 – *The Demolition of Structures*. The asbestos materials are to be disposed of at an approved waste management facility in accordance with the procedures the facility has for the disposal of asbestos. Upon completion of these works, the Principal Certifying Authority is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Dust Control Requirements

- 40 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

- 41 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.
- 42 All earthworks are to be limited to the area as indicated within the approved development plans. Any additional earthworks and the construction of associated retaining structures outside of the nominated areas, requires separate approval.
- 43 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.

- 44 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Erosion and Sediment Control - Construction Requirements

- 45 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.
- 46 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*.

Flooding - Construction Requirements

- 47 The minimum floor level of all habitable rooms is to be RL 3.1 metres AHD. Certification from a Registered Surveyor confirming that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the dwelling reaches floor level stage. **Note:** Framework associated with the building is not to be erected until such time as the floor level certification is received.

Plumbing and Drainage - Construction Requirements

- 48 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

- 49 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.
- 50 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

- 51 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.
- 52 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.
- 53 During the construction phase of the development, any excavation below the level of footings of buildings upon adjoining allotments requires the preservation and protection of the adjoining buildings from damage resulting from subsidence. Should it be necessary, the excavation is to be supported and the adjoining buildings underpinned in a manner certified by a suitably qualified Structural Engineer.
- 54 During the construction phase of the development, downpipes and the associated stormwater disposal system is to suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

Waste Management Requirements

- 55 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.

BASIX Requirements

- 56 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

Building Code of Australia – Compliance Requirements

- 57 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.

Dilapidation Rectification Requirements

- 58 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.

External Colours/Finishes Requirements

- 59 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/model/photomontage.

Filling and Haulage- Completion Requirements

- 60 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. 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/Subdivision Certificate.

Flooding – Compliance Requirements

- 61 All recommendations of the Flood Emergency Management Plan requiring completion prior to occupancy must be completed prior to the issue of any Occupation Certificate.
- 62 Prior to the issue of an Occupation Certificate, all electrical circuits below the 1% AEP flood level are to be provided with a residual current device.
- 63 Prior to the issue of the Occupation Certificate, the surcharge gully for the development must be at a minimum level of 1.75 metres AHD and all plumbing and waste fixtures must be at a minimum level of 1.9 metres AHD. Irrespective of the above a minimum of 150mm must be maintained between the gully and the lowest waste fixture.
- 64 Prior to the issue of an Occupation Certificate, all rainwater storage tanks must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.

Landscaping Requirements

- 65 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 2 development. 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.

Other Authorities – Compliance Requirements

- 66 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.

Noise Control Requirements

- 67 Prior to the issue of an Occupation Certificate details of compliance with the acoustic assessment prepared by Renzo Tonin and Associates, Reference No Tf140-01f02 (Rev 1) dated 17 January 2011, including the following components as detailed in the assessment, is to be provided to the Accredited Certifier:
- Glazing Design Requirements
 - Building Ventilation and Air-Conditioning
 - Facade and Roof Sound Insulation
 - Quality Assurance
 - Recommended Noise Control Measures for Mechanical Plant

Plumbing and Drainage - Compliance Requirements

- 68 Prior to the issue of an Occupation Certificate, the hot water installation is to be suitably tempered in order that hot water not exceeding 50 degrees Celsius is provided at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Compliance with this temperature limit is optional for kitchen sinks and laundry tubs under the provisions of AS/NZS 3500, Part 4.2 C1.1.6.2.
- 69 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

Roads – Compliance Requirements

- 70 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.
- 71 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.

Statutory Certificate Requirements

- 72 Prior to the occupation of the building occurring, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. Occupation of the development without an Occupation Certificate is an offence under the provisions of the Environmental Planning and Assessment Regulation, 2000.

Stormwater – Compliance Requirements

- 73 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.
- 74 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

- 75 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Part 1. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 76 The provision of a minimum number of 5 carparking spaces for residents of the building and 2 spaces for the sole use of visitors to the building in accordance with Council's Development Control Plan 2005, Chapter 61 - *Carparking*. The carparking spaces must be completed prior to occupation/use of the development.
- 77 Prior to the issue of an Occupation Certificate, a suitable non-slip finish driveway access with a decorative finish, is to be constructed in the location as shown on the approved development plans.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 78 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.

Work as Executed Requirements

- 79 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.

Flooding

- 80 All ongoing actions within the Flood Emergency Management Plan must be completed for the life of the development.

Site Appearance, Maintenance and Security Requirements

- 81 All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.
- 82 No structures, other than fencing are to be constructed to the west of Unit 1 in order to facilitate the future acquisition of land (5 metres wide and variable) by Council.

Stormwater – Ongoing Maintenance Requirements

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

SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$499.90
Shire Wide Performing Arts Centre & Public Art	\$1,157.20
Shire Wide Administration	\$222.10
The Entrance/Long Jetty Open Space Land	\$1,152.00
The Entrance/Long Jetty Open Space Works	\$6,827.95
The Entrance Community Facilities Land	\$5,421.00
The Entrance Community Facilities Works	\$7,037.80
The Entrance Water DSP	\$5,825.90
The Entrance Sewer DSP	\$3,797.80
The Entrance/Long Jetty Roads	\$17,540.10

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

.....
Reporting Officer

.....
Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

.....
___/___/___

Date

23 November 2011
To the Ordinary Meeting

Director's Report
Environment and Planning Services
Department

3.1 DA/200/2011 - Residential Flat Building Comprising Three (3) Townhouses and Separate Dwelling-House at North Entrance

TRIM REFERENCE: - D02797414

MANAGER: Peter Fryar, Manager Development Assessment

AUTHOR: Jenny Webb; Senior Development Planner

SUMMARY

An application has been received for the demolition of an existing dwelling-house and the construction of a residential flat building containing three (3) x 2 storey split level townhouses as well as a separate 2 storey split level dwelling-house with boat shed. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	SJH Planning and Design
Owner	Mr A A Sammut
Application No	DA/200/2011
Description of Land	4 Brogden Road, The Entrance North
Proposed Development	Demolition of the existing dwelling house and construction of a residential flat building containing three (3) x 2 storey split level townhouses as well as a separate 2 storey split level dwelling house with boat shed.
Site Area	1024m ²
Zoning	2(b) Multiple Dwelling Zone
Existing Use	Dwelling house
Estimated Value	\$875,000
Employment Generation	N/A

RECOMMENDATION

- 1 *That Council, refuse development application DA/200/2011, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, for the following reasons:*
 - a *Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979 the development fails to comply with Clause 15 of Wyong Local Environmental Plan as no assessment of the proposed development has been undertaken in accordance with the Acid Sulphate Soils Assessment Guidelines.*
 - b *Pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Wyong Development Control Plan 2005 Chapter 64 – Multiple Dwelling Residential Development in terms of building height, rear setback, carparking, driveway design, floor space ratio, private open space and fencing .*

- c Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development would unreasonably increase risks to people and property as a result of flooding.
- d Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the proposed development is an overdevelopment of the site.
- e Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered to be suitable for the proposed development having regard to Council's Flood Prone Land Development Policy and NSW Floodplain Development Manual.
- f Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered to be suitable for the proposed development having regard to NSW Government Sea Level Rise Policy Statement and supporting Guidelines.
- g Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest given it does not adequately consider the impacts of climate change, in particular sea level rise, on the development.
- h Pursuant to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 it would not be in the public interest to approve the proposal given its departure from Council's Flood Prone Land Policy which will set an undesirable precedent.

ORDINARY MEETING HELD ON 23 NOVEMBER 2011

RESOLVED on the motion of Councillor EATON and seconded by Councillor WEBSTER:

That Council defer this matter for further negotiations between the applicant, the Mayor and the General Manager to improve the development and compliance with Council policies and report back to Council.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
VINCENT AND WEBSTER

AGAINST: COUNCILLORS SYMINGTON AND WYNN

PRECIS

- The application is reported to Council in accordance with Council's resolution of 10 March 2010 regarding applications affected by the State Government's Sea Level Rise Policy.
- The application seeks approval for the demolition of an existing dwelling house and the construction of a residential flat building containing three (3) townhouses as well as a separate dwelling house.
- The site is zoned 2(b) - Multiple Dwelling Residential Zone under the provisions of Wyong Local Environmental Plan 1991 (WLEP 1991). In accordance with WLEP 1991,

both a residential flat building and dwelling-house are permissible with consent.

- The Entrance Peninsula Planning Strategy (TEPPS) identifies that a public foreshore pathway should be located partially within the subject site. The current Masterplanning process being undertaken by Council supports the proposal for a public pathway in this location.
- A number of variations to DCP 2005 Chapter 64 - Multiple Dwelling Residential Development are proposed and as a result, the proposal is considered to be an overdevelopment of the site.
- The subject property is fully flood affected during a 1% Annual Exceedance Probability (AEP) flood event by flood water originating from Tuggerah Lakes. The 1% AEP flood level for this development is RL 2.2m Australian Height Datum (AHD). Existing ground levels range between 1m AHD and 2m AHD, which results in flood depths between 0.2m and 1.2m across the site during the 1% AEP design flood event. The site is also affected by velocities from The Entrance Channel.
- The NSW Sea Level Rise Policy Statement and supporting documents apply to the development. The higher sea level rise bench mark of 0.9m has been added to the 1% AEP flood level, which yields a design flood level of 3.1m AHD and a sea level rise flood planning level of 3.6m AHD.
- The flood hazard category applicable to the development is a combination of “High Hazard Floodway” and “High Hazard Flood Storage” and the application is recommended for refusal.

INTRODUCTION

The Site

The site comprises a single parcel of land known as Lot 21 DP 11682, No 4 Brogden Road, The Entrance North. It is adjacent to The Entrance Bridge and is separated from The Entrance Channel by a thin strip of reclaimed land, which is owned by the Crown and leased to the current owner of the site. The site has an area of 1024m² with a 15.24 metre frontage to Brogden Road and an average depth of 66 metres.

The site has an east-west orientation and from the rear of the site or from an elevated position, enjoys expansive views to the south west across The Entrance Channel to The Entrance. Views to the west across Tuggerah Lakes are interrupted by The Entrance Bridge.

There is an existing single storey fibre-cement clad dwelling house, which is proposed to be demolished, and an existing timber jetty on the leased Crown Land, which is to remain. Surrounding development typically comprises single dwellings of various ages and there is a contemporary residential flat building containing 3 units immediately to the south of the subject site.

The site is fully flood affected and is generally flat, with a slight fall toward The Entrance Channel.

The Proposed Development

It is proposed to demolish the existing dwelling house and construct a residential flat building containing three (3) x 2 storey split level townhouses as well as a separate 2 storey split level dwelling house with boat shed at the rear of the site. Each of the townhouses and the dwelling house contain two (2) bedrooms as identified on the plans, although Council's Development Control Plan (DCP) states that 'any room that can be adapted for use as a bedroom, whether or not building alterations are involved' is to be considered as a bedroom. As such, each of the townhouses and the dwelling house contain three (3) bedrooms for assessment purposes.

The proposed development comprises:

Unit 1 (dwelling house) - Adjacent to the site's water frontage, a two (2) storey dwelling house comprising a boatshed at RL 1.20; recreational storage and garaging together with a laundry space, 'mudroom', wine cellar and deck at RL 2.30; kitchen, living, dining and bathroom at RL 3.90 and two (2) bedrooms plus a lounge room space (considered to be a third bedroom for assessment purposes) at RL 5.0.

Unit No's 2, 3 and 4 (townhouses) comprise lock-up garages, entry foyers and powder rooms at RL 2.20; kitchen, living, dining and decks at RL 2.70 and first floor bedrooms, lounge space (considered to be a bedroom for assessment purposes) and bathrooms at RL 4.9 and RL 5.7.

The townhouses vary in height from approximately 6.6m to 7.2 m to the ceiling and overall up to 9 m to the top of the roof structure. Proposed finishes include texture coated masonry/brickwork, selected weatherboard cladding and "colourbond" roof, gutter and downpipe.



Street Elevation



Lake Elevation



South Elevation

Summary

The main issues associated with proposed development relate to the number of variations to DCP 2005 Chapter 64 and the flood prone nature of the site. The Entrance Peninsula Planning Strategy identifies a public pathway across the rear of the site, adjacent to The Entrance Channel. In this regard, the applicant has made some provision for the future acquisition of land by Council and therefore, while not ideal, this issue could be dealt with should consent be granted.

However, the proposal is considered to be an over development of the site, resulting in a number of non-compliances with the DCP. In addition, the flood affectation of the site is a considerable constraint and the true flood hazard category applicable to the development has been identified during the assessment as a combination of High Hazard Floodway and High Hazard Flood Storage. The development controls under Council's Flood Prone Land Development Policy specify that 'New Development' in the high hazard flooding categories will not be approved.

Based on the non-compliances with DCP 2005 Chapter 64 and the Flood Prone Land Development Policy, it is considered that the site is unsuitable for the density of development proposed and the application is recommended for refusal.

VARIATIONS TO POLICIES

The following variations to Council policy are proposed:

Clause	4.2(b)
Standard	7 metre height limit exceeded by 0.2 m (2.9% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	5.3.2
Standard	4.5 m rear setback varied by up to 2.3 m (51% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	5.4.2
Standard	Resident parking varied by 1 space (16.6% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	5.5.2(d)
Standard	2 m driveway offset varied by 1.5 m (75% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	6.1(a)
Standard	0.6:1 FSR exceeded by 0.1 (1.4% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	9.1.1
Standard	45 m ² private open space with minimum dimension of 4.5 m varied by 1.2 m ² for units 2 and 3 (2.7% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	12.1.1(h)
Standard	Courtyards not to be within front setback (100% variation for unit 4)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	3.1
Standard	20 m setback to high water mark (79% variation)
LEP/DCP	DCP Chapter 99
Departure basis	N/A (Application recommended for refusal)

Clause	N/A
Standard	No New Development in High Hazard Flood Areas
LEP/DCP/Policy	F5 – Flood Prone Land Development Policy
Departure basis	N/A (Application recommended for refusal)

HISTORY

Development Application No 484/2008 for the demolition of structures and the construction of a residential flat building containing 12 units at No's 2 and 4 Brogden Road and No' 2A and 6 Hargraves Street was refused in September 2009. The application was refused for a number of reasons including carparking issues; non-compliance with the Urban Design and Planning Principles of TEPPS; non-compliance with setback requirements, non-compliance with the design quality principles of SEPP 65 - Design Quality of Residential Flat Development; privacy, overshadowing and noise concerns; and insufficient information being provided in relation to future site inundation due to climate change, sea level rise and storm surge scenarios.



Site subject to refusal of DA/484/2008

An appeal against the refusal of DA/484/2008 was heard in the Land and Environment Court (LEC) in September 2009. Council contended that no provision was made for public access along the foreshore to link areas of open space as identified in TEPPS and that the proposal did not appropriately respond to its prominent location on the foreshore and as a gateway site to The Entrance through its scale, form and massing. The proposed development also did not properly respond to its contextual setting and site opportunities and constraints through design features such as the carparking, building lines, setbacks, lack of landscaping and poor internal amenity.

In conjunction with the Appeal, Council also considered a report on the potential acquisition of some of the subject site for the purpose of the public pathway at the Ordinary Meeting of Council on 23 September 2009. Council resolved as follows:

1. *“That Council seek the dedication of approximately 200m² of land to be bought into Council’s public ownership.*
2. *That Council authorise the proposed draft condition of consent to facilitate Item 1.*

3. That Council authorise the payment of reasonable compensation for the acquisition of land as outlined in Item 1. This should be guided by the principles of the Land Acquisition (Just Terms Compensation) Act 1991 and be based on assessment by a qualified valuer.
4. The Council authorise the Mayor and General Manager to negotiate and execute all documents relating to the Transfer.”
5. That Council provide a further report on this land, if the current development application is refused by the Court and in any event on the other lands potentially necessary for the waterfront promenade. Such report to include description of existing development and development potentials, options re costings and physical works necessary as well as comments from affected owners.
6. That Council exempt this motion from the provisions of the Code of Meeting Practice to allow the motion to be actioned from 9.00am on Thursday 24 September 2009 for the reason that the matter will form part of the Land and Environment Court proceedings to be held on 24 September 2009.

The Appeal was dismissed and DA/484/2008 for the demolition of all existing structures and the construction of a residential flat building containing 12 units at No's 2-4 Brogden Road and No's 2A and 6 Hargraves Street, The Entrance North was refused. Importantly, TEPPS was given considerable weight in deciding to refuse the application particularly in relation to the provision of public access along the foreshore. The implementation of TEPPS is currently progressing through the Masterplan process.

Following the lodgement of the current development application, concerns were again raised in relation to the provision of future public access. Various meetings were held between Council staff, the applicant and the applicant's planning consultant. As a result of these discussions, it was suggested that provision be made for a future public footpath with a minimum width of 5 metres adjacent to the lake foreshore.

PERMISSIBILITY

The site is zoned 2 (b) -Multiple Dwelling Residential Zone pursuant to WLEP 1991. The development comprises two separately defined uses, being a 'residential flat building' and a 'dwelling house', both of which are permissible with consent in the 2(b) zone.

“residential flat building means a building containing 3 or more dwellings.

dwelling-house means a building containing one, but not more than one, dwelling.”

While the proposed development is permissible with consent, Clause 10 of WLEP 1991 states that Council must not grant consent to the carrying out of a development unless, in the opinion of the Council, the proposed development is compatible with the objectives of the zone within which the development is proposed to be carried out. The objectives of the 2(b) - Multiple Dwelling Residential Zone are:

- (a) to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of 2 storeys, and
- (b) to provide for other uses which:
- (i) are compatible with the residential environment and afford services to residents at a local level, and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses, and
- (c) to provide home-based employment where such will not:
- (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or
 - (ii) have a material adverse impact on residents.

The proposed development is consistent with objective (a) of the 2(b) Multiple Dwelling Residential Zone in terms of providing for a range of housing types, and not exceeding 2 storeys in height. Objective (b) is to provide for other uses within the 2(b) Multiple Dwelling Residential zone that are compatible with the residential environment and objective (c) seeks to provide for home-based employment that will not impact on residents. As the development only proposes residential housing, objectives (b) and (c) are not considered relevant to the application.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The application has been assessed against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 71 – Coastal Protection
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX)
- Wyong Local Environmental Plan 1991
- Wyong Shire Development Control Plan 2005
 - Chapter 60 – The Entrance District
 - Chapter 64 – Multiple Dwelling Residential Development
 - Chapter 67 – Engineering Requirements for Development
 - Chapter 69 – Waste Management
 - Chapter 70 – Notification of Development Proposals
 - Chapter 99 – Building Lines
 - Chapter 100 – Quality Housing
- Council Policy F5 – Flood Prone Land Development
- Council Policy L1 – Landscape Policy and Guidelines
- The Entrance Peninsula Planning Strategy
- Shire Wide S94 Contribution Plan
- The Entrance District S94 Contribution Plan
- NSW Sea Level Rise Policy Statement
- NSW Coastal Planning Guideline: Adapting to Sea Level Rise

- Flood Risk Management Guide: incorporating sea level rise benchmarks in flood risk assessments.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The development does not consider the predicted affects of sea level rise. As a result future generations are likely to be burdened with a development that would be highly vulnerable to risk of flooding, which would potentially result in damage to the built environment and environs. In addition, the development may not achieve the expected asset or economic life and is considered to contravene the sustainable development principles of intergenerational equity and application of the precautionary principle.

Climate Change

The potential impacts of climate change on the proposed development have been considered as part of the assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, rising sea levels are of particular importance and are discussed in detail further in the report as part of the flooding assessment of the application.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979, other statutory requirements and Council's policies, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):

State Environmental Planning Policy No 71 – Coastal Protection

SEPP 71 – Coastal Protection applies to the development and the site is identified as being within a sensitive coastal location as it is less than 100 metres from The Entrance Channel. In accordance with SEPP 71, the proposal has been assessed against the matters for consideration outlined under Clause 8 and found to be unsatisfactory, with respect to its suitability due to the flooding characteristics. The proposal has also been considered under Part 4 of SEPP 71 relating to public access, effluent disposal and stormwater and is consistent with the requirements identified under this part. A copy of the assessment table is included as an attachment.

State Environmental Planning Policy (Infrastructure) 2007

Clause 102 of SEPP (Infrastructure) includes provisions to ensure that noise sensitive development proposed adjacent to road corridors which carry considerable traffic volumes are not adversely affected by road noise or vibration.

The clause applies to development adjacent to roads with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Roads and Traffic Authority (RTA)), and development that the consent authority considers likely to be adversely affected by road noise or vibration. Where residential development is proposed, appropriate measures must be taken to ensure that the following internal noise levels are met:

- The LAeq noise level between the hours of 10.00 pm and 7.00 am shall not exceed 35 dBA within a bedroom, and
- The LAeq noise level within any other habitable room (excluding a garage, kitchen, bathroom or hallway) shall not exceed 40 dBA at any time.

(NB: LAeq is the equivalent continuous level which refers to when a noise varies over time, the LAeq is the equivalent continuous sound which would contain the same sound energy as the time varying sound)

Wilfred Barrett Drive is estimated to carry around 16,700 vehicles per day and therefore the provisions of Clause 102 of SEPP (Infrastructure) are not mandatory for this development. However, the relevant noise criteria is still considered relevant given the proximity of the development to The Entrance Bridge. The applicant has submitted an Acoustic Assessment which recommends using various glazing thicknesses to all windows to ensure that the noise criteria is complied with. If consent is granted, conditions requiring compliance with the Acoustic Assessment Report would need to be imposed.

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 specifically relates to the consideration of contamination and remediation prior to a consent authority granting consent to the carrying out of any development. Specifically, Clause 7 states that:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Having regard for the previous use of the site, being for the purpose of a dwelling house, it is considered unlikely that the site would be contaminated and therefore no further assessment is necessary.

Wyong Local Environmental Plan 1991*Clause 15 – Development on land containing acid sulphate soils*

WLEP 1991 requires special assessment to be given to development on land subject to actual or potential acid sulphate soils. The site is identified as Class 2 on the Acid Sulphate Soils Planning Map. For Class 2 land, a preliminary assessment for acid sulphate soils should be prepared where any works below the natural ground surface would disturb more than 1 tonne of soil. Although requested, the Applicant has not provided a preliminary assessment and therefore the impact that the proposal would have on acid sulphate soils, has not been able to be assessed.

Clause 19 – Development near lakes, rivers and creeks

As the site is located adjacent to The Entrance Channel (Tuggerah Lake), Council must take the following into consideration:

- “(a) the impact of that development on water quality and quantity, existing vegetation, fish, aquatic life and the location of the water body or watercourse, and*
- (b) any effects of the development on water supply, and*
- (c) whether the development is likely to cause detrimental effects on a watercourse or water body through erosion, sedimentation or the emission of pollutants, and*
- (d) whether the development incorporates best practice water sensitive urban design techniques”.*

The proposal is considered acceptable in terms of the matters listed in above.

Clause 28 – Tree Management

Clause 28 of WLEP 1991 requires development consent for the removal of trees and states that Council shall not grant such consent unless:

- “(a) such works are ancillary to or necessary to undertake a use permitted on the land, and*
- (b) the Council has made an assessment of the importance of the vegetation in relation to:*
 - (i) soil stability and prevention of land degradation, and*
 - (ii) water quality and associated ecosystems, such as streams, estuaries and wetlands, and*
 - (iii) scenic or environmental amenity, and*
 - (iv) vegetation systems and natural wildlife habitats.”*

The site is mainly cleared, although there are two (2) trees that are proposed to be removed. The tree removal is ancillary to the proposed construction of the residential flat building and dwelling house and is therefore permissible with consent. It is unlikely that the removal of these trees would have a significant impact on soil stability, water quality or scenic or environmental amenity. The site does not contain any hollow-bearing trees and the removal of the trees is unlikely to impact on vegetation systems and natural wildlife habitats. As such, Council is able to grant consent to the removal of the trees, should the application be supported.

Clause 29 – Services

This clause requires all new development to have an adequate water supply and facilities for the removal or disposal of sewage and drainage. Water and sewer connections are available to the site from Brogden Road. Stormwater is also proposed to discharge to Brogden Road.

Wyong Development Control Plan 2005

Chapter 60 – The Entrance District

The site is identified in DCP 2005 Chapter 60 as being within Precinct 8 – The Entrance North. The intent of the Precinct is for the "holiday village" environment of The Entrance North to be retained with a mix of low scale residential, convenience retail and tourist accommodation.

The application has been assessed against the provisions of DCP Chapter 60 and is generally consistent with its requirements. An assessment table relating to the design principles for the precinct is included as an attachment. The prescriptive requirements are replicated within DCP 2005 Chapter 64 and are considered below.

Chapter 64 – Multiple Dwelling Residential Development

The development proposes a number of variations to DCP Chapter 64 as detailed in the assessment table included as an attachment. This includes variations to building height, rear setback, carparking, driveway design, floor space ratio, private open space, and fencing. Whilst in isolation, some of the variations maybe considered minor, given the number of variations proposed and the site constraints, the cumulative impact means that the development represents an overdevelopment of the site.

Most importantly, the proposed variations to the rear setback and areas of private open space have the potential to have a detrimental impact on the enhancement of the public domain and desired street character as well as the future occupants of the development. Specifically, the courtyard to Unit 4 is located within the front setback, which is contrary to the DCP requirement and results in a 1.8 metre high fence along the front boundary. Typically, front fences are restricted to a height of 1.2 metres, or 1.5 metres if a suitable setback for landscaping is provided so as to not impact on the streetscape. For Unit 1 (dwelling house), which fronts The Entrance Channel, a generous area of private open space is indicated on the plans. However, once land is acquired for the public pathway, the area of usable open space would be reduced to approximately half the minimum required under DCP Chapter 64 and privacy would also become an issue at the public/private domain interface.

The close proximity of the proposed boat shed, deck and steps to the future public pathway is therefore likely to create a conflict between maintaining privacy to the occupant of the dwelling house and maintaining and enhancing the public domain in this location.

The above issues could be avoided or minimised and compliance with the DCP achieved if the extent of the development was reduced and therefore it is considered that the proposal is an overdevelopment of the site.

Chapter 67 – Engineering Requirements for Development

Civil works including work within the road reserve and stormwater drainage need to be undertaken in accordance with Council's DCP Chapter 67. This can be imposed through conditions of consent, should consent be granted.

Chapter 69 – Waste Management

A Waste Management Plan has been submitted in accordance with DCP Chapter 69.

Chapter 99 – Building Lines

DCP Chapter 99 contains provisions for foreshore building lines. While clause 31 of WLEP 1991 fixes a 20 metres foreshore building line in some areas of the Shire, the subject site is not affected by this clause. The foreshore building lines fixed by WLEP 1991 are also replicated in DCP Chapter 99, together with a 20 metre building line for other non-habitable buildings and structures along the foreshore, which would apply to the proposed boat shed. The setback to the boat shed varies from 4.8 m to 4.2 m and represents a variation of up to 79%. However, other development in the immediate vicinity is also non-compliant with this setback provision.

Chapter 100 – Quality Housing

Dwelling houses are typically assessed against the provisions of DCP Chapter 100. However, as the proposed dwelling house forms part of a multi unit development, the proposed development has been assessed in accordance with DCP Chapter 64 - Multiple Dwelling Residential Development.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):***The relationship to the regional and local context and setting***

Existing development at The Entrance North comprises a mix of, tourist, recreational and residential areas of generally low scale. Land to the east of Hutton Road and fronting North Entrance Beach has largely undergone redevelopment in the form of 2-3 storey unit blocks. There has been less redevelopment to the west of Hutton Road with the majority of the existing housing stock in the immediate area being pre 1950's, although a 2 storey residential flat building containing 3 units, plus roof terrace, has recently been completed immediately to the south of the subject site.



Brogden Road streetscape with the recently completed residential flat building in the centre background

The access, transport and traffic management measures

The proposed development would be accessed from Brogden Road, which has a 'lane' like width of approximately 10 metres. Brogden Road is sealed, although there is no kerb,

guttering or footpath. Should consent be granted, conditions of consent would be required in relation to works within Brogden Road.

The impact on the public domain (recreation, public open space, pedestrian links)

Two (2) of the objectives of TEPPS are to:

- Improve and encourage public access to waterfront areas, including The Entrance Channel, The North Entrance Beach, Karagi Reserve and Dunleith Point; and
- Improve pedestrian and cycling facilities, including improved and safer links across or under The Entrance Bridge to/from the existing pedestrian/cycleway network and access to The Entrance Channel foreshore.

To support this, TEPPS recommends that Council negotiate with property owners fronting The Entrance Channel in regard to the provision of a public continuous waterfront shared pedestrian and bicycle path. This path should link under The Entrance Bridge to the existing pedestrian and bicycle path facilities in Terilbah Reserve. TEPPS further identifies that such a facility will improve the physical connection between the Pacific Ocean coast, The Entrance Channel and other areas of the Peninsula. A plan that identifies the location of the public access is provided below.

TEPPS does not provide any further guidance on the exact location, width or type of public access. However, the draft Entrance Masterplan which is currently on public exhibition has identified a preference for a 5 metre wide public pathway across the back of the subject site. It is therefore important to preserve the opportunity for the pathway to be constructed.

During the LEC hearing in relation to Council's refusal of DA/484/2008 for 12 units over part of the subject site, the Commissioner gave considerable weight to TEPPS and was satisfied that

“the opportunity for public access along the foreshore is an important planning consideration in the context of the Strategy. The approval of the proposed development will, in my view, frustrate an important feature of the Strategy. In my opinion, the provision of a public access way along the foreshore is a legitimate and valuable public asset and appropriate for inclusion in a strategic planning document such as the Strategy.

The approval of the proposed development would unacceptably frustrate the achievement of an important component of the Strategy and is a sufficient reason to refuse the application.”

Having regard for the outcome of the previous Court case, the building has been set back 5.5 m from the rear boundary with the proposed deck being approximately 2.5 m from the property boundary. These setbacks, together with the reclaimed Crown Land would provide for a 5 metre wide pathway to be acquired by Council, although would impact on the area of private open space available to the dwelling house.



Extract from *The Entrance Peninsula Planning Strategy* showing the location of the proposed pathway



*View from under The Entrance Bridge looking south toward
the subject site and reclaimed Crown Land*



*View from under The Entrance Bridge looking south toward
the subject site and reclaimed Crown Land*



View from The Entrance Bridge looking east toward the subject site and reclaimed Crown Land

The impact on utilities supply.

The existing water and sewer systems are capable of servicing the proposed development. Should consent be granted, contributions and conditions would need to be imposed under the Water Management Act, 2000.

The effect on heritage significance.

There are two (2) items of local heritage significance at The Entrance North, which are located at No 21 Hargraves Street and No 33 Hutton Road. The subject site is sufficiently separated from both these items so as to not have any impact on them.



Any effect on other land resources.

The site is not known to contain any valuable land resources.

Any impact on the conservation of water.

A BASIX Certificate has been submitted with the development application which demonstrates compliance with the appropriate water targets. A 1,500 litre rainwater tank is proposed to be located under the deck of each unit.

Any effect on the conservation of soils or acid sulphate soils.

Should consent be granted, conditions relating the preparation of an Acid Sulphate Soils Assessment and/or Management Plan and erosion and sedimentation controls would need to be imposed.

Any effect on quality of air and microclimate conditions.

No detrimental impacts on air quality or microclimate conditions are anticipated.

Any effect on the flora and fauna.

The site contains two (2) trees (Tuckeroo), which are proposed to be removed. Should consent be granted, replacement trees would need to be incorporated into the landscape plan.

The provision of waste facilities.

Should consent be granted, the development can be serviced by Council's domestic waste contractor.

Whether the development will be energy efficient.

A BASIX Certificate has been submitted with the development application which demonstrates compliance with the thermal comfort and energy targets.

Whether the development will cause noise and vibration.

Should consent be granted, appropriate conditions would be required to address noise generated during the construction period. As the site is affected by noise from The Entrance Bridge, conditions relating to compliance with the Acoustic Assessment Report would need to be included.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).***Flood Studies***

The subject property is fully flood affected during a 1% Annual Exceedance Probability (AEP) flood event by flood water originating from Tuggerah Lakes. The Tuggerah Lakes Flood Study identifies that the 1% AEP flood level for this development is RL 2.2m Australian Height Datum (AHD). The development plans indicate that existing ground levels generally range between 1m AHD and 2m AHD, which result in flood depths between 0.2m and 1.2m across the site during the 1% AEP flood event.

An analysis of flood characteristics within The Entrance Channel was completed in 1992 and findings are summarised in the table below.

Flood	50% AEP	5% AEP	1% AEP	PMF
Level (AHD)	0.91	1.8	2.2	2.7
Velocity (m/s)	2.1	2.6	3.0	6.1

Sea Level Rise

The NSW Sea Level Rise Policy Statement (2009) was prepared to support consistent adaptation to projected sea level rise impacts. The policy statement included sea level rise planning benchmarks for use in assessing potential impacts of sea level rise in coastal areas, including use in flood risk assessments. The benchmarks are for a projected rise in sea level, relative to the 1990 mean sea level, of 0.4 metres by 2050 and 0.9 metres by 2100.

The Flood Risk Management Guide - Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments (the guide) published by the NSW Government in 2009 was prepared to assist stakeholders to incorporate the sea level rise planning benchmarks in floodplain risk management planning and flood risk assessments for new development. The guide updates the sea level rise information in the NSW Floodplain Development Manual published by the NSW Government in 2005.

Considering the significance of the development in terms of population intensification, expected asset life and financial investment proposed by the applicant, it is considered appropriate to apply the higher sea level rise benchmark for the proposed development. The application of this benchmark has the affect of increasing the initial water level of Tuggerah Lakes and the Pacific Ocean analysed in the Tuggerah Lakes flood study.

The guide states that “where the site is below 4 metres AHD, an appropriate conservative assumption to estimate the 1% AEP flood level considering sea level rise is to add the sea level rise planning benchmarks to the 1% AEP flood level relevant to the site”. As stated previously, the development plans indicate existing ground levels generally ranging between 1m AHD and 2m AHD.

The higher sea level rise benchmark has been added to the 1% AEP flood level, which results in a “design flood level” of 3.1m AHD and a sea level rise flood planning level of 3.6m AHD. For the purpose of the assessment of this application, the higher sea level rise benchmark has been used.

Flood Assessment

Under the NSW State Government’s Flood Policy, the management of flood liable land remains the responsibility of local government. Accordingly, Council has a duty of care to ensure flood liable lands in the Wyong Shire are managed in accordance with their flood hazard and flood risk. Council’s Flood Prone Land Development Policy (the policy) outlines Council’s current development controls applicable to the development and has been continually applied for a period exceeding 20 years.

The application of the policy requires the categorisation of ‘Type of Development’ and ‘Flood Hazard’ to determine suitability of the proposed development. The ‘Type of Development’ for the purpose of this policy meets the category of ‘New Development’ due to the proposed

population intensification, although the determination of 'Flood Hazard' requires further consideration.

The policy requires categorisation of flood hazards in accordance with the NSW Floodplain Development Manual, which details the process to determine flood hazard category. The process involves the evaluation of hazard level from pure hydraulic principles, and then refining the hydraulic hazard category in light of other relevant factors affecting the safety of individuals to establish the true flood hazard category.

The hydraulic categories of flood prone land applicable to the development are flood storage and floodway. A multi-variable analysis was undertaken to determine the provisional hydraulic category owing to the varying ground levels over the development and uncertain changes in channel velocity associated with the changing topography. The analysis is presented below using the design flood Level of 3.1 m AHD.

Flood Depth (m)	Velocity (m/s)	Provisional Hydraulic Category
1.1 (Natural surface of 2m AHD Brogden Road)	3.0	High Hazard
	2.5	High Hazard
	2.0	High Hazard
	1.5	High Hazard
	1.0	High Hazard
	0.5	High Hazard
	0.0	High Hazard
2.1 (depth adjacent to the channel)	3.0	High Hazard
	2.5	High Hazard
	2.0	High Hazard
	1.5	High Hazard
	1.0	High Hazard
	0.5	High Hazard
	0.0	High Hazard

The hazard category from pure hydraulic principles is considered to be a combination of high hazard floodway towards The Entrance Channel and high hazard flood storage locally around Brogden Road.

The determination of true flood hazard category was undertaken by refining the hydraulic hazard category and considering the following factors:

Risk to Life

- *The proposed development should not result in any increased risk to human life*

The existing site contains a single residential dwelling approximately 50 years old with existing habitable floor level below the design flood level (approximately 2.45m AHD).

The proposed development is likely to result in structurally superior dwellings. However, the habitable floors have not been proposed above the sea level rise flood planning level. As a result, the development is predicted to be susceptible to flood damage within the expected life of the development. The future occupants of the development may therefore be under the false assumption that the development provides safe harbourage when deciding on the appropriate time to effect evacuation.

The proposed development seeks approval for a dwelling house and residential flat building, which will increase population density in an area established to be hydraulically affected by high hazard flooding.

Additionally, self sufficient low hazard evacuation is not available from the development, and future occupants will be reliant on emergency services for evacuation in high hazard conditions. Emergency service personnel conducting rescue/evacuations are placed at risk in addition to the future occupants.

- *Consequences for risk to life for floods up to the Flood Planning Level*

Occupants are predicted to be subject to prolonged flooding with the historical data and flood modelling indicating flood characteristics inhibiting access may be present for numerous days, with conditions close to peak remaining for approximately 24 hours. Assuming safe harbourage is provided; occupants will need to manage reduced or total unavailability of essential services and access to supplies, including medical services, electricity, sewerage, gas, telecommunications and potentially potable water.

- *Consequences for risk to life for floods greater than the Flood Planning Level*

The development is likely to sustain structural damage, and occupants will no longer have a safe place of refuge. Evacuation will be solely reliant on emergency services employing higher risk methods for any remaining occupants.

The Cost

- *The additional economic and social costs that may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner nor in addition to those experienced by the general community.*

Flood insurance coverage is likely to be accessed by the future owners and damage is likely to be less than the general community given the access to modern construction techniques and materials. Flood insurance does not reduce flood damages but transforms the random sequence of losses into a regular series of payments. Further, given the risk and severity of flooding, insurers may not always offer flood insurance.

Should the development be approved without adequately considering sea level rise, it is anticipated the economic and social costs that may arise from damage to property from flooding will be exacerbated.

- Economic factors with regard to not undertaking the development.

The property is currently occupied by a single storey, timber framed fibro cement clad dwelling approximately 50 years old, and nearing achievement of reasonable estimates of asset and economic life. Council records indicate the property has been in the current ownership since September 1993.

- The cost to both the public and private sectors to service the development safely before and after in flood

The proposed development is located within an existing residential area with existing public and private infrastructure. The proposed development is not anticipated to generate significant additional servicing costs before or after floods.

Upgrading of the 'floodgates' on the existing drainage pipelines under Wilfred Barrett Drive, and provision of additional culverts beneath Wilfred Barrett Drive will be required in the future with further development in The Entrance North. These works form part of the established s94 Contributions Plan for the locality.

Warning and Evacuation

- The availability of accurate information during a flood event on which evacuation strategies can be formulated. This must include consideration of loss of power and telephone landlines.

The Tuggerah Lakes system is closely monitored during flood events, with updates regularly provided by the emergency management authorities. Access to accurate information is not anticipated to be an issue with current technology, surrounding community and adequate flood preparedness.

- Available effective warning time and reliable access for the evacuation of an area potentially affected by floods up to the 1% AEP flood event for the proposed development.

Flooding from Tuggerah Lakes generally features a relatively slow rate of rise over a number days to produce severe flood characteristics. Effective warning time is available; however the 'last chance' for self sufficient low hazard evacuation (by able bodied adults) passes significantly before peak conditions arrive.

The applicant has attempted to demonstrate low hazard evacuation, however the design flood level (3.1m AHD) used does not consider velocity or predicted sea level rise and is not considered to be feasible during the design flood event.

- Available effective warning time and reliable access for the evacuation of an area potentially affected by floods larger than that which the proposed development has been designed for. This includes consideration of floodwater depth and velocity.

Similar to the above, a relatively slow rate of rise is applicable to floods in excess of the design flood level flood event. However, floods in excess of the design flood would further inhibit evacuation.

- The development should not create land that will become isolated in the floodplain

The applicant is seeking to raise the development above the natural ground level to the current flood planning level (2.7m AHD excluding sea level rise). This level is not considered high enough to protect people or property now and in the future.

Cumulative Effects of the Development

- Evidence that the development does not detrimentally increase the potential flood affectation on other development or properties or infrastructure, either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.

The development proposes fill in excess of 1 metre which is not supported on the basis of cumulative impact on the floodplain. The effect has not been quantified by the applicant.

- Potential cumulative effects of approval of the development and precedents created for further cumulative development in the floodplain

To date, no development approvals have been granted for intensification in high hazard flooding conditions including the predicted effects of sea level rise. As mentioned previously, Council's Development of Flood Prone Land policy has been consistently applied in excess of 20 years by precluding population intensification in high hazard areas.

Ecologically Sustainable Development

- Proposed development must be consistent with ecologically sustainable development principles

The development does not consider the predicted affects of sea level rise. As a result future generations are likely to be burdened with a development that may not achieve the expected asset or economic life. This contravenes the sustainable development principles of intergenerational equity and application of the precautionary approach.

Climate Change

- The proposal adequately considers the impact of climate change.

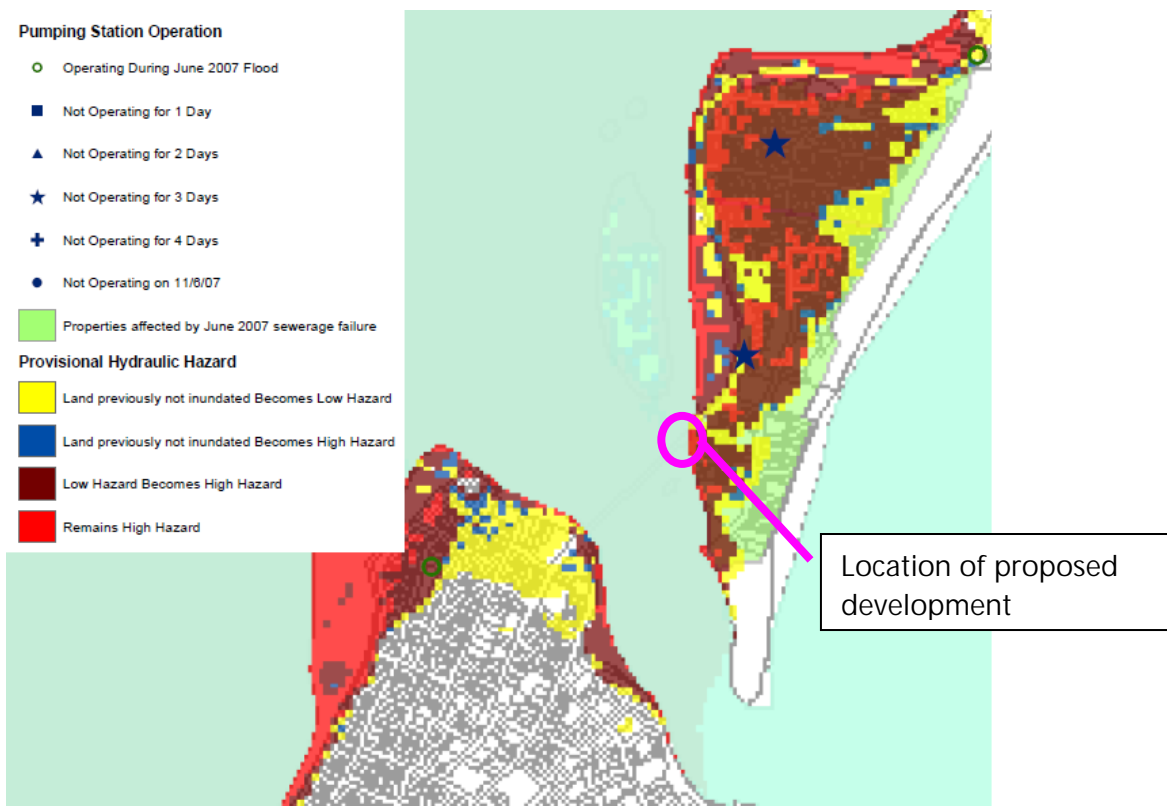
The development has not considered the impact of climate change. Sea level rise is one aspect that has been discussed separately in this report, however other effects such as increased temperatures, changes in rainfall and increased frequency of extreme wind and storm events have been considered.

In a flooding context the probability of experiencing severe flooding is predicted to increase. A widely accepted theory is that the current 1% AEP flood event will increase in likelihood to 5.9% AEP (1:17).

Based on the above flood assessment, none of the factors suggest a decrease in flood hazard. The true flood hazard category applicable to the development is therefore a combination of High Hazard floodway and High Hazard Flood Storage. The development controls under Council's Flood Prone Land Development Policy for 'New Development' in High Hazard category flooding recommends that the application be refused.

Verification

The contents of the Tuggerah Lakes Floodplain Risk Management Study have been reviewed to verify the flood assessment completed above. This map confirms that the proposed development is fully affected by high hazard flooding and is generally located on land identified as remaining high hazard, indicating that even without sea level rise implications, the land would be considered high hazard.



Extract from Tuggerah Lakes Floodplain Risk Management Study - 100 year ARI Hydraulic Hazard with 0.9m Sea Level Rise and Sewerage System Impact South and East Tuggerah Lakes.

Council has a duty of care to consider the residual risk to a development once any proposed flood modification measures have been introduced. Council must also consider the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010), which supports NSW Government policy in relation to sea level rise.

More specifically, the Guideline states that when assessing development applications in coastal areas, consent authorities must have regard to the Coastal Planning Principle 5 and Principle 6 of the Guideline.

Principle 5 – Minimise the exposure of development to coastal risks.

Principle 6 – Implement appropriate management responses and adaptation strategies, with consideration for the environmental, social and economic impacts of each option.

In considering the above, the development application has been demonstrated to be contrary to development controls under Council's Flood Prone Land Development Policy and is considered unsuccessful in adequately managing or reducing flood risks to life and property to an acceptable and sustainable level.

Any risks from technological hazards.

There are no known technological hazards associated with the development or the site. As of 1 July 2010, it is mandatory to confirm with a designated information provider, the location and type of any underground electricity power lines or gas pipelines prior to any excavation or digging.

Whether the development provides safety, security and crime prevention.

It is not anticipated that the development would create any issues with safety, security or crime prevention.

Any social impact in the locality.

It is not anticipated that the development would have any social impact in the locality.

Any economic impact in the locality.

The proposed development is unlikely to have a negative economic impact.

Any impact of site design and internal design.

No further issues to report.

Any impacts of construction activities (construction site management, protection measures).

Should consent be granted, conditions relating to traffic management plans and the protection of adjoining properties would need to be imposed.

Any cumulative impacts.

No further issues to report.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

Whether the proposal fits in the locality.

The construction of multi unit development incorporating a two storey residential flat building is consistent with the type of development in the area. However, the proposal does not comply with a number of the controls in DCP Chapter 64 and therefore would have a detrimental impact on the locality.

Whether the site attributes are conducive to development.

As discussed previously in the report, the flood hazard category applicable to the development is a combination of High Hazard floodway and High Hazard Flood Storage and is therefore unsuitable for redevelopment at a higher density.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):***Any submission from the public.***

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with no submissions being received.

Any submission from public authorities.*NSW Office of Water*

The development application was referred to the NSW Office of Water as 'integrated development' under the EP&A Act as works are proposed within 40 metres of The Entrance Channel. However, the Office of Water has advised that a Controlled Activity Approval is not required and no further assessment is necessary as the proposed works are not likely to exceed minimal harm.

NSW Roads and Traffic Authority

The development application was also referred to the RTA due the proximity of the development to The Entrance Bridge. The RTA recommended a number of conditions regarding the access, parking and stormwater requirements as well as making reference to traffic noise and mitigation measures in accordance with the NSW Road Noise Policy – July 2011.

Although the RTA's response did not make any comment in relation to the separation between the development and The Entrance Bridge, previous correspondence received from the RTA during the assessment of DA/484/2008 required a minimum of 5 metres clearance from any structure to the edge of The Entrance Bridge for the purpose of dimensional clearance for maintenance. This requirement has been accommodated in the design with only fencing and steps located within 5 metres of The Entrance Bridge.

THE PUBLIC INTEREST (s79C(1)(e)):***Any Federal, State and Local Government interests and community interests.***

Approval of a development application that would increase residential densities in a high hazard flood area is contrary to the NSW Coastal Planning Guideline: Adapting to Sea Level Rise, the NSW Floodplain Development Manual and Council's Flood Prone Land Development Policy – F5. Approval of the development would also undermine the controls contained within DCP Chapter 64 and set an undesirable precedent for development in the area.

OTHER MATTERS FOR CONSIDERATION**Section 94 Contributions**

The Entrance District Development Contributions Plan No 3 and the Shire Wide Contribution Plan are applicable to the proposed development and therefore contributions based on four (4) x 3 bedroom units, with a credit of 1DU for the existing dwelling would apply, should consent be granted.

CONCLUSION

The proposed development is for the demolition of the existing dwelling house and the construction of a residential flat building containing three (3) x 2 storey split level townhouses as well as a separate 2 storey split level dwelling house with boat shed. The development proposes a number of variations to Council's DCP and the site has been identified as being affected by high hazard flooding, with predicted sea level rise further exacerbating the severity. The flood characteristics over the site and surrounding areas cannot be mitigated to reduce the residual risk to an appropriate and sustainable level and as a result, the site is considered unsuitable for the development and refusal of the application is recommended.

ATTACHMENTS

1	Development Plans (A3 plans)	Enclosure	D02808638
2	SEPP 71 Assessment Table		D02808641
3	DCP 60 Assessment Table		D02808642
4	DCP 64 Assessment Table		D02808643

	Anticipated Water Wise Rules	Level 1	Level 2	Level 3	Level 4	Level 5
Target saving	4 %	8%	16%	24%	27%	30%
Lawns & Garden	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (<i>including micro spray</i>) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used any day before 10am and after 4 pm to avoid heat of the day Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (<i>including micro spray</i>) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on three days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Mon, Wed & Sat, Even numbered homes Tues, Thur & Sun) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (<i>including micro spray</i>) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on two days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Wed & Sat, Even numbered homes Thur & Sun) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No hoses or sprinklers (<i>including micro spray</i>) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> All external use of town water banned
Vehicle / Boat Washing**	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats may be washed with a bucket Boats trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used (max 5 mins). Hose to flush boat engines (max 5 mins) 	<ul style="list-style-type: none"> All external use of town water banned. Vehicles windows can be cleaned using a bucket.
Hard Surfaces	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures. 	<ul style="list-style-type: none"> No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures. 	<ul style="list-style-type: none"> All external use of town water banned
Private Pools	<ul style="list-style-type: none"> Topping up of existing pools using a hose from the town water supply is permitted, 	<ul style="list-style-type: none"> Topping up of existing pools using a hose from the town water supply is permitted, 	<ul style="list-style-type: none"> Emptying and refilling of existing pools using a hose from the town water supply is not permitted, Topping up of existing pools using a hose from the town water supply is permitted, Filling of new pools from the town water supply is permitted. 	<ul style="list-style-type: none"> Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system, Filling of new pools from the town water supply is permitted. 	<ul style="list-style-type: none"> Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system, Filling of new pools from the town water supply is not permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Bowling Greens, Golf greens & Cricket Pitches	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Nurseries & Commercial Gardens	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed watering system up to 4hr per day -6.00 -8.00 am 6.00 -8.00 pm 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -8.00 pm 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Sporting Fields, School Ovals and Grassed Areas	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed water systems three times a week between 6.00 -10.00 pm 	<ul style="list-style-type: none"> Fixed water systems two times a week between 6.00 -10.00 pm 	<ul style="list-style-type: none"> All external use of town water banned. 	<ul style="list-style-type: none"> All external use of town water banned. 	<ul style="list-style-type: none"> All external use of town water banned.
Water Cartage from Town Water Supply	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only
Auto Flush urinals	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted.
Public Beach showers, fish tables and boat ramp taps.	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Not permitted. 	<ul style="list-style-type: none"> Not permitted.
Customers with an annual demand greater than 3,500KL and hotels, motels, resorts, caravan parks and public pools	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of an approved Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of an approved Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage. 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage. 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage.
Voluntary residential target	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 140 Litres per person per day.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
1	Environment and Planning Services	9.5 - Notice of Motion – Sea Level Rise Notification 1 <i>Write to all property owners affected by the State Governments sea level rise policies.</i> 2 <i>Text of the letter be endorsed by Council.</i>	24 February 2010 Cr Eaton / Cr Graham	F2009/00067 A report will be submitted to Council once additional information has been provided by the General Counsel.
2	General Department - Major Projects	7.6 - Notice of Motion – Warnervale Town Centre Viability <i>Staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</i>	12 May 2010 Cr Eaton / Cr Best	F2004/00535-07 A consultant has been engaged and commenced work on the report responding to this question.
3	Environment and Planning Services	8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes <i>Investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</i>	14 July 2010 Cr Wynn / Cr Eaton	F2004/12208 Report drafted and being reviewed taking into account the CLEP template and proposed CLEP clauses. A report is being prepared for mid 2012.
4	Corporate Services	Q109/10 – Regional Hospital Cutbacks <i>“It has been reported in the media that the Federal Government has redirected hospital funding into the regions, reportedly resulting in substantial cutbacks to our regional hospital at Gosford. As the Central Coast is a region and that the Federal Government funding adjustment was indicated to favour the regions how is it that this region appears to have suffered a health funding cutback?”</i>	13 October 2010 Cr Best	F2004/11290 A response will be made to the meeting of 9 May 2012.
5	Community and Recreation Services	8.2 - Notice of Motion – Acknowledgement of the Darkinjung People <i>Defer this item to allow time to further consider this matter and receive further information.</i>	27 October 2010 Cr Graham / Cr Eaton	F2004/06248 Councillor briefing has been postponed. A Councillor Business update has been issued on this matter.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
6	Infrastructure Management	<p>7.1 - Notice of Motion - Regional Push to Reinstate F3 Link</p> <p>1 <i>Form a whole of Government Regional Partnership to include Gosford City Council, Wyong Shire Council and appropriate Sydney Councils (if required), Central Coast State Government Members and Federal Government Members with a view to organising a deputation to raise this issue with the Federal Government.</i></p> <p>2 <i>Urge the Regional Partnership to take-up Mr Swan's offer to receive representation from the Central Coast Regional Partnership to have the F3 Link funding reinstated in the 12-13 budget.</i></p>	25 May 2011 Cr Best / Cr Eaton	<p>F2004/06677</p> <p>A letter has been issued to the Minister for Resources and Energy. A report will be submitted to Council once a response has been received.</p> <p>A follow up email has been sent from the General Manager to the Minister for the Central Coast and Minister for Resources and Energy.</p> <p>Still waiting on a response from the Minister for the Central Coast. It is understood that he is waiting on advice from the Minister for Roads and Ports.</p> <p>It is intended that a status report be submitted to Council in March, following a possible meeting between the Mayor and General Manager with the Federal Minister for Infrastructure and Transport.</p> <p>Council has requested a series of meetings with Ministers to discuss matter, however, have not received any confirmation from the Federal Member's office to confirm proposed meetings.</p>

No	Department	Question Asked / Resolution	Meeting Councillor	Status
7	Environment and Planning Services	<p>6.5 - Notice of Motion - Destruction of Natural Environment and Indigenous Heritage at Norah Head</p> <ol style="list-style-type: none"> 1 <u>Acknowledge</u> the community groups that contribute to the highly successful phenomena of whale watching at Norah Head. 2 <u>Request</u> the General Manager to provide a staff report on the resultant human impact on the natural environment around Soldiers Beach at Norah Head and the report should cover preliminary details of current and proposed initiatives available for Council's consideration in managing the escalating damage to the natural and indigenous heritage. 3 <u>Request</u> the report be prepared in partnership with the appropriate agencies and indigenous community. 4 That, upon consideration of the requested report, the local land council be <u>invited</u> to address the Council meeting. 	13 July 2011 Cr Best / Cr Vincent	F2004/00580 A report is currently being prepared and will be reported to Council in mid 2012.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
8	Environment and Planning Services	<p>8.2 - Notice of Motion - Coal Seam Gas (CSG) Inquiry That Wyong Shire Council:</p> <ol style="list-style-type: none"> 1 <u>Write and thank</u> the State Government for banning the chemicals used in the tracking process. 2 <u>Support</u> the Coal Seam Gas (CSG) inquiry being undertaken by the NSW Legislative Council; 3 <u>Call</u> on the NSW Government to ensure the role of councils is adequately considered in dealing with CSG exploration and production; and independently assessed. 4 <u>Calls</u> on the government to institute a full moratorium on all forms of coal seam gas drilling until the environmental, social and health impacts have been rigorously and 5 5 <u>Rejects</u> suggestions by industry that coal seam gas development is appropriate in residential areas, and calls on the government to rescind exploration licences over residential areas. 6 <u>Place a prohibition</u> on coal seam gas exploration and mining in important bushland, valuable farmland, groundwater aquifers and public lands. 	14 September 2011 Cr Wynn / Cr Vincent	F2004/11916 Letter has been sent and awaiting response.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
9	Environment and Planning Services	<p>5.3 - Notice of Motion - Submission to the Planning System Review Committee</p> <p>1 <u>Request the General Manager to make a submission to the planning system review committee highlighting problems with the current planning system including:</u></p> <ul style="list-style-type: none"> a <u>delays particularly with rezonings, but also with other government agencies,</u> b <u>uncertain outcomes even after land has been rezoned for development,</u> c <u>infrastructure provision including alternative funding mechanisms such as muni bonds,</u> d <u>more local flexibility, one size does not fit all,</u> e <u>more local authority, empowering council to make decisions on minor rezonings and rezonings in line with adopted strategic plans</u> f <u>cheaper, simpler system.</u> <p>2 <u>Request the General Manager to schedule a briefing, in late January or early February, on the issues paper with a view to developing a Council submission to the issues paper.</u></p>	26 October 2011 Cr Eaton / Cr Wynn	F2004/00550 Councillor Briefing held on 1 February 2012. Submission prepared and referred to Councillors for comment.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
10	Environment and Planning Services	<p>8.2 - Notice of Motion - Development Applications for Retail Liquor Outlets & 8.6 Notice of Motion - Proliferation of Alcohol Outlets</p> <p>1 <u>Make representation to the Crime Prevention Partnership Committee to establish a working party of this group to provide advice on any Development Application submitted for a Retail Liquor Outlet.</u></p> <p>2 <u>If the crime prevention partnership Committee group can not form a working party then Council will establish a licensed premises reference group comprising of:</u></p> <p>a) Council Officers, including Rangers</p> <p>b) NSW Police Local Area Commander</p> <p>c) A NSW Office of Liquor and Gaming Representative</p> <p>d) Central Coast Area Health Representative</p> <p>3 <u>Reject the further proliferation of alcohol availabilities through the recent push by the Australian Association of Convenience Stores to sell alcohol in local petrol stations.</u></p> <p>4 <u>Make formal representation on behalf of its residents and ratepayers to the current Productivity Commission's Inquiry into the industry's proposal with the grounds for objection to include but not limited to:</u></p> <p>.....(Please see minutes for complete resolution.)</p>	12 October 2011 Cr Wynn / Cr Best	F2004/07052 Letters have been sent in respect of Resolutions 1, 2, 3 & 4; awaiting responses.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11	Corporate Services	Q29/11 - Carbon Tax on Council "Mr General Manager, now that the Federal Government has levied its new carbon tax and that the costing methodology is clearer, could staff please update Council on what extra costs will now likely be passed on to the ratepayers and also as to what compensation is available to offset this new tax on Council?"	9 November 2011 Cr Best	F2004/06579 Monitoring impacts forecasted will be included in the 2012-16 CSP, Annual Plan, 4YDP and LTFP. A response will be submitted to 23 May 2012 meeting.
12	Community and Recreation Services	8.1 - Notice of Motion - Improved Library Services 1 <u>Recognise</u> the rapid adoption of e-book reader technology and likely phasing out of paper books and the implications of this for Council's Library Service. 2 <u>Consider</u> a report on: a entry into this technology possibly by way of trials, b benefits and disbenefits c budgetary implications (if any).	23 November 2011 Cr Eaton / Cr McNamara	F2006/00444 A Library Strategic Plan will be completed in the 2012/13 Financial Year that addresses these issues.
13	Environment and Planning Services	8.2 – Notice of Motion – Wildlife Corridor Road Kill 1 <u>Note</u> that its planned east-west major wildlife corridor is now being formalised. 2 <u>Confirm</u> that it seeks to provide safe aerial and terrestrial passage through the corridor by addressing safety in the 2 major road networks (the F3 and the Pacific Highway) that cut through the corridor causing major wild life road kill issues. 3 <u>Seek</u> assistance from the NSW RTA and the Federal Government to address the issue of safer wild life corridor crossings as seen on the NSW mid north coast. 4 <u>Receive</u> a report on the outcomes with regard to the request for assistance from the NSW RTA and the Federal Government.	14 December 2011 Cr Best / Cr Wynn	F2004/06946 Letters sent. When a response is received it will be reported to Council at a future meeting.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
14	Environment and Planning Services	<p>8.3 – Notice of Motion – State of the Shire Studies</p> <p>1 <i>Reiterate the significance of the State of the Shire report (now encompassing the State of the Environment report) in providing a meaningful indicator of the health of our environment and our environmental performance.</i></p> <p>2 <i>Acknowledge the results of the State of the Shire report outlining a continuing decline in seven out of eleven environmental indicators and utilise these results to inform Council's deliberations in relation to its Strategic and Annual Plan for 2012/2013.</i></p> <p>3 <i>Consider the following at the February 2012 Workshop:</i></p> <p>A <i>as part of the Annual Plan deliberations, resourcing specific studies that will provide baseline data to enable more precise reporting and measurement on the health of our environment, in responding to these declining environmental indicators .</i></p> <p>B <i>give specific consideration, as part of the 2012/2013 Annual Plan process, to the resourcing of projects that will address current information gaps and enhance Council's ability to assess the decisions it makes in relation to the principle of 'improve and maintain'.</i></p>	14 December 2011 Cr Wynn / Cr Best	F2004/07518 The action required in A and B are incorporated in Environment and Natural Resources Business Plan for 2012/2013 and after, and internal movements are being undertaken to provide the necessary resources.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
15	Environment and Planning Services	<p>8.4 – Notice of Motion – Westfield \$750m Tuggerah Development (JOBS, JOBS, JOBS)</p> <p>1 <i>Note the preparedness of Westfield Group to commence its 750 million dollar Tuggerah Gateway development adjoining the F3 Freeway.</i></p> <p>2 <i>Note that the development will be modelled on the highly successful Norwest Business Park concept and will deliver some 2,000 jobs during construction, over 7,000 jobs on completion and delivering a total of 35,000 jobs in the region over the next 20 years.</i></p> <p>3 <i>Reaffirm its commitment to local job generation, having regard to this region's unemployment rate of twice the state average and a youth unemployment rate of a massive 32%.</i></p> <p>4 <i>Seek to further advocate to have the necessary State Government zonings and approvals expedited, while recognising that it is not the consent authority.</i></p> <p>5 <i>Request the General Manager to report on the progress of the development to date and any impediments which are delaying the delivery of this key infrastructure and job generating project.</i></p>	14 December 2011 Cr Best / Cr Eaton	F2009/00960 Letter sent to DoPI 21 December 2011. Council report will be prepared following a response from DoPI.
16	Environment and Planning Services	<p>Q34/11 – Purchase of Sections of Remaining Undeveloped Land at Wadalba Hill</p> <p><i>“Could staff please advise on any State or Federal funding schemes that may be available to purchase sections of the remaining undeveloped land at Wadalba Hill for conservation purposes?”</i></p>	14 December 2011 Cr Vincent	F2005/00562 A report is being prepared for a Council meeting of 23 May 2012.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
17	Corporate Services	Q35/11 – Assistance to Wyong Historical Society “ <i>Could staff please advise on the assistance that can be provided by Council to the Wyong Historical Society in their endeavours to recover from the recent fire at the Allison Homestead?</i> ”	14 December 2011 Cr Vincent	C2011/05301 A report on this matter will be considered at 9 May 2012 meeting.
18	Infrastructure Management	8.4 - Notice of Motion - Fast Tracking Warnervale Road 1 <u>Note its current commitment of \$2.08M to the reconstruction of Minnesota Road and the upgrade of Louisiana Road.</u> 2 <u>Consider as a matter of urgency, all options to fast track the total reconstruction of the former rural road, now urban highway, known as Warnervale Road.</u> 3 <u>Support in principle and encourage staff to thoroughly investigate the recently announced state government “infrastructure renewal scheme” which seeks to assist councils to fast track critical infrastructure projects within the 12-13 budgetary cycle.</u> 4 <u>List this important strategic infrastructure program as a matter of urgency for discussion and consideration at Council’s upcoming annual budgetary and strategic planning workshop.</u> 5 <u>That in the event that Council does not seek to pursue the State Government’s “infrastructure renewal scheme” funding or as the project may be ineligible, Council recognises its responsibility to fund this critical infrastructure via Section 94 Funds or other revenue streams within the 2012-2013 Management Plan.</u>	8 February 2012 Cr Best / Cr Eaton	F2004/07773 Council has submitted an expression of interest to the DLG for subsidised loan funding for the renewal and upgrade of Warnervale Road and Minnesota Road as part of its 2012/13 budget process. The process involves the Department forwarding Council a detailed application form which needs to be completed by March. All this action is in hand. The matter of Warnervale Road reconstruction was discussed at the Councillor Workshop. Funds of \$3.2M are allocated in the draft 2012/13 capital expenditure for this work between Ebony Drive and Monarch Drive.

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19	Environment and Planning Services	<p>8.5 - Notice of Motion - Granny Flat, Second Dwelling Contribution Waiver</p> <p>1 <u>Reaffirm its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.</u></p> <p>2 <u>Note the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.</u></p> <p>3 <u>Support this initiative thereby establishing a regional approach to affordable housing.</u></p> <p>4 <u>Waive Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.</u></p> <p>5 <u>Receive the report in a timeframe for inclusion in the 2012-13 Annual Plan.</u></p> <p>6 <u>Implement the trial by way of reporting those relevant development applications to Council for determination.</u></p>	8 February 2012 Cr Best / Cr Symington	F2004/00552 Councillor update issued 23 February 2012 outlining the implementation of this resolution.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
20	Environment and Planning Services	<p>8.6 - Notice of Motion - Ongoing Approval from State Government for Part 5 Assessments for Maintenance Works</p> <p>1 <u>Request the General Manager to investigate options contained within relevant legislation to enable longer term approvals (including licences) to be issued for annual and repeat activities undertaken by Council within, on the foreshore and adjacent to the Shire's lakes, and other locations in relation to Part 5 Assessments.</u></p> <p>2 <u>Request the General Manager to report back on the current costs borne by Council due to the need to apply for approvals and licences on an individual basis, with a view to minimising and/or avoiding any unnecessary waste of staff resources and ratepayer funds.</u></p>	8 February 2012 Cr Symington / Cr Eaton	F2004/07773 A report will be submitted to a meeting in May 2012.
21	Environment and Planning Services	<p>8.7 - Notice of Motion - Tree Vandalism Norah Head</p> <p>1 <u>Note with concern acts of environmental vandalism in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</u></p> <p>2 <u>Direct the General Manager to urgently prepare a report regarding the actions and responses available to Council concerning acts of environmental vandalism in general, and specifically in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</u></p> <p>3 <u>Direct the General Manager to discuss the possibility and capacity of Council to erect and maintain a "view blocking" barrier in the report.</u></p>	8 February 2012 Cr Symington / Cr Wynn	F2012/00194 A report is being prepared for a meeting in May 2012.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
22	Community Recreation Services and	<p>5.1 – Notice of Motion – Status of Women Committee</p> <p>1 <u>Acknowledge the significance of the United Nations International Women's Day.</u></p> <p>2 <u>Launch the WSC "Status of Women Committee" on United Nations International Women's Day", Thursday 8 March 2012.</u></p> <p>3 <u>Promote International Women's Day through the media and community networks.</u></p>	22 February 2012 Cr Matthews / Cr McBride	F2012/00343 Council hosted a breakfast for International Women's Day with over 120 people in attendance. Key note speaker was the 2011 Telstra Business Women of the year. The theme 'supporting women's economic empowerment' was widely promoted as the theme for International Women's Day.
23	Infrastructure Management	<p>5.2 – Notice of Motion – Subsidised Tipping for Residential Ratepayers</p> <p>1 <u>Note the current entitlement for ratepayers to dispose of bulk waste is 6 free kerbside pickups per household, per annum.</u></p> <p>2 <u>Note that some ratepayers who choose to transport their waste directly to the Buttonderry Waste Management Facility are being charged in accordance with WSC fees and charges schedule.</u></p> <p>3 <u>Consider broadening the current waste management regime to accommodate those residents that transport their waste directly to the Buttonderry Waste Management Facility.</u></p> <p>4 <u>Direct the General Manager to report on flexible options to facilitate a more equitable waste disposal regime, such as, but not limited to, providing subsidised tipping coupons in rate notices.</u></p> <p>5 <u>Recognise the benefits of a flexible waste management policy that is more equitable and encourages responsible waste disposal.</u></p> <p>6 <u>Consider a report on the recycling targets set by the State Government, the cost to ratepayers and alternative schemes available.</u></p>	22 February 2012 Cr Best / Cr McNamara	F2004/06747 Report has been prepared and will be submitted to Council on 26 April.
24	Corporate Services	Q4/12 - Status of Alison Homestead "Can staff please report on the status of Alison Homestead in relation to the recent event?"	22 February 2012 Cr Matthews	F2011/02693 A report on this matter will be considered at 9 May 2012 meeting.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
25	Community Recreation Services and	Q7/12 - Submissions to Access Federal Government's Graffiti Grants Scheme "Could staff please advise if Council has made a submission to access the Federal Government's new Graffiti Grant scheme? The Federal Government has allocated \$3 million from the Proceeds of Crime Fund to help local councils clean up and prevent graffiti. Grants of \$50,000 to \$150,000 are currently being offered to local governments to invest in measures including cleaning up graffiti, reducing graffiti through improved lighting, CCTV in graffiti hotspots and preventing graffiti through better education."	22 February 2012 Cr Vincent	F2004/07937 Staff have reviewed grant guidelines against Wyong Shire Graffiti Strategy to identify possible projects. Staff will be attending Northern Wyong Graffiti forum to explore partnership opportunities on 28/2/12. Grant applications due 16/3/12. Funding eligibility between \$50,000 and \$150,000
26	Community Recreation Services and	7.2 – Notice of Motion – Completion of Lake Cycleway 1 <u>Reiterate</u> its support for the missing link cycleway connection through Wyrabalong National Park at North Entrance, as a priority project. 2 <u>Seek</u> to convene a working group, consisting of the members for The Entrance and Wyong and representatives of the Premiers Office, the National Parks and Wildlife Service, Councillors and Council staff, to progress this key initiative. 3 <u>Seek</u> additional funding resources for the project.	14 March 2012 Cr Eaton / Cr Best	F2004/07891 Meeting of stakeholders to be convened by Sport Leisure and Recreation.
27	Community Recreation Services and	7.4 – Notice of Motion – Community Forum to Discuss Access and Disability within the Shire 1 <u>Facilitate</u> a community forum to discuss access and disability in Wyong Shire. 2 <u>Note</u> the objective of the forum is to achieve a community led approach to future engagement, consultation, service provision and infrastructure regarding access and disability in Wyong Shire. 3 <u>Invite</u> residents, community groups, service providers and relevant agencies to the forum.	14 March 2012 Cr McBride / Cr Matthews	F2004/07891 Resourcing requirements currently being considered.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
28	Community and Recreation Services	<p>U2/12 - Motion of Urgency - Acknowledgement of the Central Coast Mariners Football Club</p> <p>1 <u>Formally congratulate the outstanding success of the Central Coast Mariners Football Club (the Mariners or CCM) in winning the Minor Premiership of the Australian A-League soccer competition.</u></p> <p>2 <u>Authorise the General Manager to conduct an appropriate celebration that publicly recognises the success of the Mariners.</u></p> <p>3 <u>Authorise the General Manager to arrange a public screening of the Grand Final subject to the Mariners becoming a Grand Finalist in 2012.</u></p> <p>4 <u>Authorise the General Manager to arrange an appropriate public celebration and acknowledgement in the event the Mariners are successful in winning the Grand Final of 2012.</u></p> <p>5 <u>Request the General Manager to seek funding and support from the other sponsors of the Central Coast Mariners and Gosford City Council.</u></p> <p>6 <u>Request the General Manager to ensure that these events be held in Wyong Shire.</u></p>	28 March 2012 Cr Eaton / Cr Matthews	F2011/02504 The Mariners have not been successful in making the Grand Final. Council will be hosting a Civic celebration only. This will be an invitation only event with key politicians, sports committees and organisations invited. The event will be held in the Function Room on Tuesday 24 April at 5pm.
29	Environment and Planning	<p>Q11/12 – Wallarah 2 Coal Wording – The Hon. Chris Hartcher MP</p> <p>“Can Council please ascertain the wording of the Minister for the Central Coast, The Honourable Chris Hartcher MP, from the meeting held at Mingara Sport and Recreation Club on Wednesday 21 March 2012, for State Plan 281, with regard to Wallarah 2 Coal Mine, where it is believed he stated the NSW State Government was beginning the process to revoke the licence to explore/ mine by Wallarah 2 Coal?”</p>	28 March 2012 Cr Wynn	F2004/07086 Representations has been made to ascertain the wording of the Minister, awaiting response.

No	Department	Question Asked / Resolution	Meeting Councillor	Status
30	Corporate Services	Q12/12 – Impact of a Section 149 Flood Affection Notation on Residential Property Premiums <i>“Could Council request its insurance broker/ insurers to advise Council on the impact on individual residential property premiums of a S149 flood affectation notation due to predicted sea level rise?”</i>	28 March 2012 Cr Eaton	CPA/205510 An answer will be responded to 9 May 2012 Ordinary meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
28 MARCH 2012**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
1	Environment and Planning Services	Q5/12 - Wadalba Wildlife Corridor (WWC) Management Plan	22 February 2012 Cr Best	A response is included in this business paper.
2	Corporate Services	Q8/12 - Employment and Replacement of Apprentices and Trainees	22 February 2012 Cr Symington	A response is included in this business paper.
3	Infrastructure Management	Q10/12 – Pipeline and capacity of Mangrove Creek Dam	14 March 2012 Cr Matthews	Councillor Business Update distributed to Councillors on 28 March 2012.