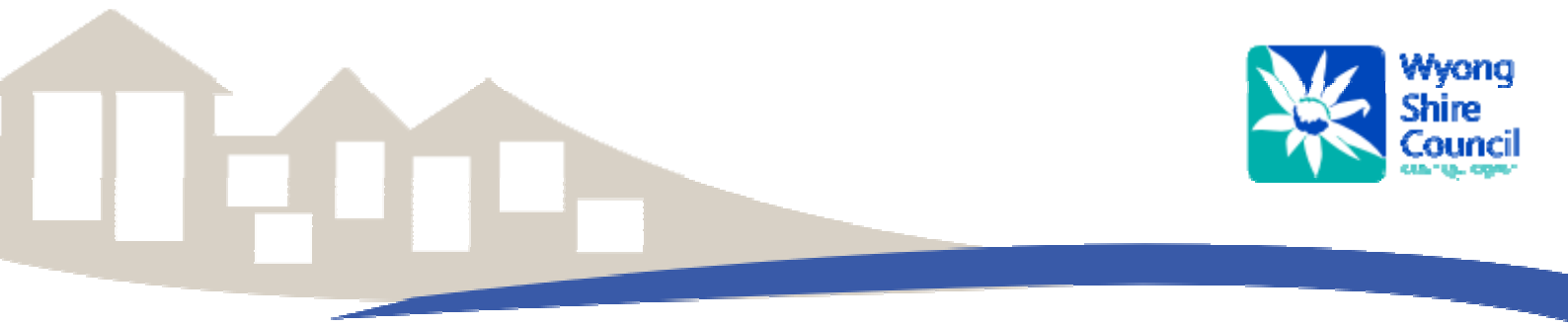


Wyong Shire Council

## **ORDINARY MEETING**

## **ENCLOSURES**

Wednesday, 8 June 2011



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**WYONG SHIRE COUNCIL**  
ENCLOSURES TO THE  
**ORDINARY MEETING**  
TO BE HELD IN THE COUNCIL CHAMBER,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 8 JUNE 2011 ,  
COMMENCING AT 5:00:00 PM

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## WYONG SHIRE COUNCIL

16 June 2011

To the Hunter & Central Coast Region Joint Planning  
PanelEnvironment and Planning  
Department

### **DA/736/2010 – Proposed Residential Flat Building at The Entrance**

Author: Mark Greer

#### **SUMMARY**

A development application has been received for a Residential Flat Building at The Entrance comprising two stages - Building 'A' of six (6) storeys and Building 'B' of eight (8) storeys containing a total of forty-one (41) units. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	De Angelis Taylor Associates
<b>Owner</b>	Kiellie Pty Ltd, Kymill Pty Ltd and The Three G's Pty Ltd
<b>Application No</b>	736/2010
<b>Description of Land</b>	Lots 7, 8, 9 and 10 in DP 17377 No's 31 – 33 Ocean Parade and 11 – 13 Bayview Avenue, The Entrance
<b>Proposed Development</b>	Residential Flat Development
<b>Site Area</b>	3,304.1m <sup>2</sup>
<b>Zoning</b>	2(d) High Density Residential
<b>Existing Use</b>	Single storey weatherboard and brick dwelling on No 31-33 Ocean Pde, a single storey development at No 11 Bayview Pde containing 5 units and a double storey residential flat building containing 6 units at No 13 Bayview Avenue.
<b>Estimated value</b>	\$15,000,000

#### **RECOMMENDATION**

- 1** *That the Joint Regional Planning Panel grant consent to DA/736/2010, subject to the conditions contained in Attachment A.*
- 2** *That Wyong Development Control Plan 2005 Chapter 64 – Multiple Dwelling Residential Development be varied in relation to setbacks to permit the development.*
- 3** *That those who made written submissions be advised of the Joint Regional Planning Panel's decision.*

#### **PRECIS**

- Application involves demolition of existing structures, erection of two buildings containing forty-one (41) residential units, including communal open space and basement residents parking.
- Land comprises four allotments zoned for high density residential development.
- Design of development includes variations to building line setbacks and solar access. The variations are supported.

- The proposal is referred to the Joint Regional Planning Panel (JRPP) for determination pursuant to clause 13B(1)(a) of State Environmental Planning Policy (SEPP) (Major Development) 2005, given it relates to Development with a capital investment of more than \$10 million.
- The application has been referred to the Central Coast Design Review Panel (CCDRP) in accordance with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development and received favourable comment.
- Eleven (11) public submissions were received objecting to the development.

## **INTRODUCTION**

### **The Site**

The site comprises four parcels of land and has a site area of approximately 3,304 m<sup>2</sup>. Two of the parcels have frontage to Bayview Avenue, with the other two fronting Ocean Parade. The four allotments form an “L” shaped development parcel extending from Ocean Parade through to Bayview Avenue in effect wrapping around a site on the corner of both streets. The site is located approximately 200 metres east of the The Entrance CBD and 150 metres from The Entrance channel.

The surrounding district is a mix of tourist accommodation and permanent residential developments. (Refer to “Attachment B” for photos of site). In the immediate vicinity there are several high-rise residential developments including a 14 storey building and a number of 8 storey residential buildings.

Excluded from the proposal is the corner allotment at the intersection of the aforementioned roadways. That property is held in different ownership and contains a four storey residential flat building comprising nine (9) dwellings.



*Aerial view showing subject site*



*Outline of subject site*

## The Proposal

A development application has been received to redevelop the subject site for a residential flat development comprising two stages - Building 'A' of six (6 – excluding covered roof terrace) storeys and Building 'B' of eight (8 – excluding covered roof terrace) storeys containing a total of forty-one (41) units.

In brief the development proposal includes:

- Demolition of existing structures
- Stage 1 = Building 'A' adjacent to Ocean Parade with six storeys and 17 units comprising 6 x 3 bedroom and 11 x 2 bedroom units
- Stage 2 = Building 'B' adjacent to Bayview Avenue with eight storeys and 24 units comprising 6 x 3 bedroom and 18 x 2 bedroom units, community room and gymnasium
- Communal open space
- Basement car parking provided in two levels catering for 63 car spaces and 14 bicycle spaces



*Overview of building "footprint" with respect to adjoining properties*

## Summary

While the development does propose some variations to Council's policies in terms of setbacks and solar access, the variations are considered to be minor, having negligible impact on the amenity of the neighbouring properties.

A similar application was approved in 2005 for 46 units on the subject site. In the absence of any physical commencement the development consent has lapsed.

Overall, the design is considered to satisfy the intent of Council's policies, objectives of the zone and the design quality principles of SEPP 65 having received favourable comment on architectural design from the CCDRP.

It is recommended that the application be supported subject to conditions.

### VARIATIONS TO POLICIES

Development Control Plan 2005	Chapter 64
Section/clause	5.3.3 – Building Lines for High Rise Development
Standard	9.0 metres for 5 <sup>th</sup> storey and above
Extent of variation or departure	<p>Levels 5 and 6 in towers “A” and “B” encroach into the side setbacks. The encroachment includes open balconies and part of the floor space of the units. For the most part the intrusions are merely <u>part</u> of the above mentioned components – i.e., part of the balcony or part of the unit floor area.</p> <p>The extent of variation for tower “A” adjacent to the north boundary is 3.00 metres or 33.3%.</p> <p>The extent of variation for tower “B” adjacent to the southern boundary is 2.50 metres or 27.8%.</p> <p>The extent of variation for tower “B” adjacent to the western boundary is 4.00 metres or 44%. It should be noted that this figure represents the point of intersection of that part of the building that is angular to the building lines.</p>
Departure basis	<p>Variation sought based on a good quality of architecture compatible with the zone objectives and relevant design guidelines. The quality of the design has been confirmed by independent review by the Central Coast Design Review Panel.</p> <p>In justifying the variation it is noted that the encroachment for tower “A” involves floor levels (5 and 6) that are above the elevation of the neighbouring units (No 29 Ocean Parade) and as a result, the separation between the development and that block of units is not deficient in setback requirements. Importantly the encroachments in towers “A” and “B” into the building lines do not impede views or hinder sunlight and ventilation.</p>

## HISTORY

### The Land

Lots 7, 8, 9 and 10 in DP 17377 were registered on 22 February 1934.

### Previous Development and Building Applications

Approval was granted in 1957 for flats on lot 10 (No 11 Bayview Ave).

Approval was granted in 1961 for flats on lot 9 (No 13 Bayview Ave).

The date for approval of the dwellings on lots 7 and 8 (Nos 31 – 33 Ocean Parade) are not shown in Council's records, however they appear as designs circa 1940's which would date them prior to the establishment of the Wyong Shire Council Local Government Area predating recorded information.

Residential flat development (over the same properties) comprising 46 units and demolition of existing structures was approved on 7 October 2005 under DA 2857/2004. The development comprised one building of six storeys containing 16 units and another building of eight storeys containing 28 units.

Although a 12-month extension was granted to DA 2857/2004, no construction work was ever undertaken and the development consent is considered to have lapsed.

### Previous Preliminary Applications

A preliminary application (PL/4/2010) was reviewed by Council in conjunction with the CCDRP on 10 March 2010. A letter was subsequently issued by Council on 17 March 2010 providing comments following the review of the application. PL 4/2010 forms the basis for the current application.

## PERMISSIBILITY

The site is zoned 2(d) – *High Density Residential Zone*, in which 'residential flat buildings' are permitted with the consent of Council.

A residential flat building is defined in the LEP as:

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

The proposal involves two unit blocks each containing 3 or more dwellings.

## RELEVANT STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following Environmental Planning Instruments, plans and policies:



## State Environmental Planning Policies (SEPP)

SEPP 71 – *Coastal Protection*, applies in general as the subject site is within the designated coastal protection zone (1.0km from the high water mark) criteria adjacent to Tuggerah Lake. The policy was adopted to provide guidelines for development for the protection of coastal and estuarine regions.

Accordingly, the proposal has been assessed and found to be consistent with the “Matters for Consideration” under Clause 8 of SEPP 71.

SEPP – *Building Sustainability Index 2004* (Basix), applies to the development. A “Basix” certificate was lodged with the DA.

SEPP 65 - *Design Quality of Residential Flat Development*, applies to the development, namely a proposed new residential flat building comprising 3 or more storeys. A design statement by a registered Architect was included with the application.

The application was presented to the CCDRP at the meeting of 28 July 2010 held at Gosford City Council. The CCDRP was supportive (granting a “B” award in an A-D rating system) of the design in addition to offering the following comments for additional consideration.

### “Panel's Recommendation

**A Recommend approval with minor amendments as suggested below.**

#### **Panel's Comments**

***The changes since the Pre-DA meeting, and in response to the Panel's previous comments, are acknowledged. Despite these improvements, some of the changes have not fully satisfied the recommendations of the Panel, so the following comments and suggestions embody some of the previous advice and are strengthened where required.***

#### **Context**

- ***It is reiterated that the Panel generally supports the proposed development because it suits the emerging future character of the area. Positive features include its siting strategy (two buildings), its underground car park single entry, the alignment of Building B and Building A, and the creation of a new, more urban communal space and community room between the two buildings.***

#### **Scale**

- ***The massing proposed appears to be successful in its relationship with the adjoining buildings to the north, west and south. It is acknowledged that some of the building separation distances do not fully comply with the numerical requirements of the RFDC; however, the setbacks proposed have evidently been carefully considered by the revised design which has demonstrated that the objectives have been reasonably satisfied.***

***The one exception to this is the building separation distance between the two Buildings A and B at the upper levels. It is recommended that the separation distance be increased by the reduction in depth or the deletion of the return balconies in front of the living spaces of Units B16, B19, B22 and B24. This would help to satisfy the objectives of the RFDC by reducing possible visual and acoustic privacy conflicts and by providing a more appropriately proportioned space between the two buildings.***

#### **Built Form**

- ***It is reiterated that the length of balconies and related balustrades needs to be reduced where possible, including further reduction of glass balustrading to provide a greater variety of materials in the facade.***
- ***It is reiterated that reduction of the length of balconies, especially the return narrow leg of corner balconies, would reduce the visual bulk of the buildings, provide potential for more articulation to the facade designs and would not markedly reduce the amenity of the dwellings.***

- *It is acknowledged that separate entries have been provided to the ground floor units A1, A2, B1 and B3, however these entries should be facing and legible from the street. It would also be desirable for the open space at the street frontages be a private open space dedicated to the respective dwellings rather than common open space. These private open spaces should be treated so that there is a degree of privacy provided by the enclosing structures yet the fencing should provide some transparency as well i.e. not solid walls.*

#### **Density**

- *The density proposed is acceptable subject to the available bonus being achieved without the amalgamation of the adjoining property on the corner of Bayview Avenue and Ocean Parade.*

#### **Resource, Energy and Water Efficiency**

- *Consider inclusion of the following:*
  - *passive and active solar design (including solar hot water and PV)*
  - *efficient energy and water systems*
  - *non-toxic materials and finishes with low embodied energy / water content*
  - *generous deep soil zones for gardens on natural ground*
  - *capture and re-use of grey and rainwater*
  - *biologically active forms of storm water management*
  - *outdoor drying lines to individual units on verandas or in private gardens.*
- *The applicant is also to comply with the State legislated environmental sustainability framework BASIX, and adopt and apply other rating and performance tools as useful to the needs of this proposal.*

#### **Landscape**

- *Common open space: Central common open space between Buildings A and B should retain deep soil area for planting. This may be achieved by providing pockets of deep soil within the proposed car park by reduction in the width of aisles and driveways around the main ramp access area.*

*Further to the above, the aisle widths and driveways of the basement car parking areas need to be reduced in width (particularly the straight sections of driveways) to minimise excavation. This would help to provide more deep soil landscaped area.*

- *The proposed location of a number of isolated, small areas of lawn as part of the private open space of some ground floor units would appear to be impractical from a maintenance point of view.*

#### **Amenity**

- *Visual and acoustic privacy: As stated previously, it is important to ensure that a good level of privacy is provided from the common pedestrian access ways to the units at the ground level of both buildings.*
- *Ensure in the design development that barrier-free access is provided to both Buildings A and B from street level.*

#### **Safety & Security**

- *It is reiterated that due to the proposed use of side entry locations to both buildings it will be essential during the design resolution that these accesses are designed with personal safety in mind and have appropriate lighting, sight lines and no hidden areas where intruders could conceal themselves.*

#### **Social Dimensions**

- *The mix of units, common open space and facilities provided are satisfactory.*

#### **Aesthetics**

- *Façade design: Further refinement is required to the façade designs e.g. reduce the unbroken length of horizontal elements. Ensure that all external attachments to the façades including*

*weather protection elements and services are fully integrated with the overall design of the façades.*

- **Roof design: Further refinement is required including the reduction of visual impact of the deck enclosure walls of Building A and reduction of the large roof overhang of Building B. “**

The applicant has responded appropriately to the CCDRP comments and where possible made appropriate adjustments to the design of the development for resubmission to Council. The CCDRP indicated that it did not need further review of the application.

### **The Entrance Peninsular Planning Strategy March 2009 – “Precinct 5”**

The purpose of The Entrance Peninsula Planning Strategy was to review The Entrance Strategy 2000 (covering The Entrance and part of The Entrance North) and carry out comprehensive strategic planning for the Long Jetty and The Entrance North, which had not been previously undertaken.

The Entrance Peninsula Planning Strategy has been prepared and refined following substantial site and issue investigation and analysis, and careful consideration of all relevant community/stakeholder input. Those matters were considered broadly over the entire strategy area, as well as examined in more detail at a neighbourhood level within 16 precincts, divided largely in relation to their relatively uniform characteristics.

The subject site is in Precinct 5 bounded by Dening Street to the south, Short Street and Ambler Parade to the west, and Ocean Parade to the North and East, and is located to the east of The Entrance Town Centre.

The desired future character of Precinct 5 is to be a higher density residential neighbourhood providing high levels of amenity and convenience for its residents. Its proximity to The Entrance Town Centre and foreshores of The Entrance Channel and Pacific Ocean, and the services, facilities and activities that are provided in those places, will make it a pleasant and desirable place to live. It will have a range of high quality residential buildings designed largely to accommodate permanent residents and to complement The Entrance Peninsula’s coastal character.

The objectives of the precinct are:

- Provide an area of higher density, high quality, residential development to largely accommodate permanent residential living adjacent to The Entrance Town Centre, The Entrance Channel and the Pacific Ocean.

#### **Comment**

The proposal profiles two residential towers which provide higher density development consistent with the directives proposed under the Strategy. The development proposal is considered to be of a high quality incorporating good urban design principles.

- Enhance a sense of place and community through streetscape and public domain improvements that reflect the coastal character of The Entrance Peninsula.

## Comment

Issues relating to the public domain are not directly relevant to the proposal as the adjoining roadways (public) domain do not form part of the concept.

- To achieve and maintain sustainable development via social cohesion which recognises everyone's needs, effective protection, conservation and management of the 'natural' environment, biodiversity and cultural heritage, effective energy management, effective management of hazards, including those associated with groundwater resources, prudent use of The Entrance Peninsula's attributes and resources.

## Comment

For reasons stated elsewhere in this report, the development proposal is considered to be consistent with the above objectives.



**Planning Strategy High Density Residential Zone Height Limits**

The subject site was previously zoned 2(c) Medium Density Residential Development. The provisions of Clause 42B of Wyong Local Environmental Plan (WLEP) applied and in particular, the heights maintained for development of the land for a "medium or high rise building" on the building height map contained within the WLEP. The previous height limits applied under the WLEP on the subject site were 18 metres and 24 metres.

The current 2(d) High Density Residential Zone applying to the subject site was established following the development strategy undertaken by Council in 2000. As a consequence, the provisions of Clause 42B of WLEP do not apply.

Under the provisions of Development Control Plan 2005, Chapter 60, The Entrance, the subject site is identified within 'Precinct 3' which contains a "height map" which is applicable to development pursuant to Clauses 42B and 42C of WLEP. Chapter 60 states development principles which apply to Precinct 3 and in particular, in relation to height state:

*“development within the Precinct shall be restricted to 3 storeys unless the combined area of the site proposed for development is greater than 1800m<sup>2</sup>. In these cases, height and density concessions will be considered where it can be demonstrated that the impacts arising from higher development are acceptable (refer to Clause 2.3.2 – Medium to High-Rise Development). The height limitations for ‘medium or high-rise buildings’ are specified on the Precinct Map above. Clause 3.1 of this Plan sets out the Critical Design Considerations to be addressed.”*

Clause 2.3.2 of Chapter 60 referred to above, contains no specific height control for the 2(d) zone. However, the proposed development has been designed to apply the height controls contained within the 2009 planning strategy which generally relates to previous height controls contained within the WLEP applicable to the land.

### **Regional Planning Policies**

The Central Coast Regional Strategy (CCRS) was adopted by the NSW Government providing a strategy direction for population and employment growth for the Central Coast for the period from year 2006 – 2031.

The strategy promotes the same ideals as contained in DCP 2005 Chapter 60 for development of The Entrance and Long Jetty areas.

### **Wyong Local Environmental Plan (LEP) 1991**

#### **(i) LEP Zoning and Definition**

The site is zoned 2(d) – *High Density Residential Zone*. The objectives of the zone are:

- “(a) to allow for high density residential development in suitable locations, 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 use, 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 development is defined as a “Residential Flat Building” and is permitted in the zone with the consent of Council.

The proposal is considered to complement the zone objectives in the following manner:

- (a) the location of the development bounded by Denning Street to the south, Short Street and Ambler Parade to the West and Ocean Parade to the North and East is recognised in The Entrance Peninsula Planning Strategy as suitable for higher density residential development. The attributes of the site – orientation and proximity, provides opportunities for quality development.

- (b) the proposal does not include any land uses other than residential. Considering the proximity of the site to the commercial and business district the development is the most appropriate land use.

**(iii) WLEP Provisions**

The following clauses contained in the WLEP are applicable to the development proposal:

● *Clause 2 – Aims and Objectives of the LEP*

This clause provides direction for the WLEP in terms of providing an opportunity for the development of a wide range of housing stock commensurate with the changing characteristics of the Shire's population, to also encourage residential development that will achieve efficient use of existing physical and social infrastructure and to provide for new urban development in areas that can be economically serviced and that are environmentally suitable.

● *Clause 7 – Definitions*

This clause contains definitions for development types and defines the proposal as being a "residential flat building"

● *Clause 10 – Zone table*

This clause identifies the zoning provisions and identifies the land as being zoned 2(d), High Density Residential.

● *Clause 15 – Acid Sulphate Soils*

The land has a low probability of acid sulphate soils. No further investigation is necessary.

● *Clause 28 – Tree Management*

This clause relates to the removal or destruction of trees and is noted in this report with respect to the Canary Date Palm in the road reserve of Bayview Avenue in close proximity to the access to the development.

● *Clause 42B – Development principles for 2(c), The Entrance*

This clause is accompanied by a plan identifying building heights for development on land in The Entrance inclusive of the subject land. The clause however stipulates the previous 2(c) zone which has been superseded by the current 2(d) zone. Notwithstanding the different zone identification, the principles of building heights remain unchanged with the subject DA maintaining appropriate compliance with the WLEP provisions as if it applied to the 2(d) zone. It is anticipated that the zone reference will be revised under the new comprehensive LEP template. Refer to previous comments in this report.

**Development Control Plan 2005**

Development Control Plan No 2005:

- Chapter No 14 – *Tree Management*

Appropriate conditions are recommended should consent be granted.

- Chapter No 60 – *The Entrance*

Guideline for development throughout The Entrance, Long Jetty and Toowoan Bay districts. DA proposes minor variations to the guideline – refer to “Attachments” for checklist table.

- Chapter No 64 – *Residential Development*

Guideline for residential development throughout Wyong Shire. The development proposal seeks minor variations to the provisions of Chapter 64 – refer to “Attachments” for checklist table.

- Chapter No 67 – *Engineering*

Appropriate conditions are recommended should consent be granted.

**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.

**ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 (EP& A Act) and other statutory requirements, Council’s policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council’s information.

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

The proposed building is identified as a “High Rise Residential Flat Building” under Chapter 64 of DCP 2005 and is considered an appropriate form of development within the locality, an area zoned for higher density residential development.

The site is quite large and could potentially support a singular “L” shaped building. However, the design strategy has been split into two separate buildings to be in keeping with the surrounding high density developments which generally have a smaller footprint and a site area of approximately half that of the subject site. In splitting the development into two buildings, the impact of overshadowing and loss of views has been significantly reduced and a generous area that is available for landscaping and communal activity provided between the two buildings.

The following issues require attention in demonstrating that the development can establish a compatible relationship within the context of the locality:

**(i) Development Density**

In support of the proposed building density, reference is drawn to the developer bonuses and site amalgamation. The issue of site amalgamation is canvassed in DCP 2005 under Chapter 64 – Part 6.2 with respect to development bonuses.

Part 6.2 states:

- a Residential flat developments proposed on 2(c) and 2(d) zoned land north of Shelly Beach Road up to and including North Entrance and to 2(c) and 2(d) zoned land in Toukley, Noraville and Wyong, which satisfy the following criteria may utilise development bonuses in accordance with Table 8 below:*
- The site area is 1500 square metres minimum; and*
  - The development incorporates basement car parking.*
- b Proposals shall not be eligible for bonuses if the lot amalgamations proposed will result in the isolation of single adjoining parcels, thereby limiting their future amalgamation / development potential.*

Site Area (Square Metres)	Bonus
1,500	7.5% increase to site area for the purpose of FSR calculations
2,000	10% increase to site area for the purpose of FSR calculations
2,500	12.5% increase to site area for the purpose of FSR calculations
3,000	15% increase to site area for the purpose of FSR calculations
4,000 or greater	20% increase to site area for the purpose of FSR calculations



The applicant has sought to use the bonus provisions by 16.5% to achieve an optimum density. The applicant was required to demonstrate negotiations with the owners of the property (Lot 0 SP 6164, No 29 Ocean Parade) on the corner of Ocean Parade and Bayview Avenue to possibly include this allotment into the development package. On submissions from the applicant it would appear that there was limited opportunity of acquiring the neighbouring allotment based on recent offers. This report does not intend to examine the financial aspect of the offers made to the neighbours. Whether or not the offers of purchase were fair and reasonable in respect to market value is not a matter for Council. The real issue is whether reasonable development could be sustained not only on the subject land but also on the neighbouring land on the corner.

Council must consider whether the proposal isolates the corner allotment in a manner that restricts the future development potential of that property. The premises are an early 1970's style of walk-up flats (9 units) that appear as well maintained premises with surrounding landscaped areas. Whether in the future the property sustains a residential density (9 units) similar to what it currently enjoys would be a matter for a detailed development proposal at that time. For the moment, it is reasonable to suggest that the dimensional and physical characteristics of the corner site would offer a fair opportunity to undertake some form of residential development more in keeping with a low-rise development not dissimilar to the existing premises. Such comment is provided without prejudice given that in order for a definitive answer to the question of what potential a site does have, cannot be truly demonstrated until exhaustive investigation occurs. However for the benefit of establishing whether the developer bonuses under the DCP should apply to this application it is considered that the neighbouring site would not be sterilised by the proposed high-rise under assessment.

## **(ii) Bulk and Scale**

The immediate area exhibits a development character consistent with Council's higher density zonings. Several high-rise developments in a precinct that includes Ocean Parade, Beach Street and Bayview Avenue have been completed in recent years. The proposed development is generally of a similar scale and built form in design.

The proposed development and existing building heights are comparable while setbacks are generally complementary with other unit developments.

Chapter 60 identifies development principles that address bulk and scale. A brief comment is provided below:

### ***a. Restriction on height limit***

Applicable to zone provisions. See previous comments.

### ***b. Development within this Precinct is to incorporate architectural features as well as cosmetic elements that adopt a maritime theme.***

In recent years the maritime theme has generally found no favour with the SEPP 65 CCDRP. Subtle coastal references in colour schemes are preferred rather than obvious design inclusions such as porthole windows or sail structures on the roof.

The predominant external finish of both buildings is a "natural white" with grey feature sections highlighting either window or protruding portions in the design. There are several other minor sections proposed as features that include a burnt orange painted finish or blue tiles as wall features. Window and door frames are grey powder coated aluminium.

### ***c. Residential buildings are to be of high quality design set back to designated alignments.***

SEPP 65 CCDRP awarded the design a high rating. Setbacks generally compliant, minor variations noted elsewhere.

***d. Overshadowing, overlooking and wind tunnelling effects are to be minimised. Passive solar protection and natural ventilation are encouraged.***

Design incorporates features to ensure minimal impact to neighbouring properties.



***View from The Entrance North toward the The Entrance residential zones. The development is superimposed (approximate scale only) - red is tower 'A', yellow is tower 'B'.***

### **(iii) Impact to Amenity**

The development poses a slight impact in respect of shadowing existing unit complexes on the southern side of tower blocks "A" and "B". Two neighbouring unit buildings (both two storeys) in Ozone Street are quite old and appear ready for redevelopment. The neighbouring corner site unit complex at Ocean Parade and Ozone Street is a new development with balconies facing the development site. The neighbouring premises will be subject to a degree of overshadowing at certain times of the day. Given the high-rise zone intentions it is difficult to avoid such circumstances. The development has attempted to assist the solar access issue by separating the two towers with communal open space thereby providing some opportunity for sunlight to the southern neighbours.

Levels 5 and 6 in towers A and B encroach into the nominal side setbacks required under Chapter 64 development guidelines. The required standard is 9 metres from the boundary to

the face of the building (including a balcony). The encroachment includes open balcony space and part of the floor space of the units. For the most part the intrusions are merely part of the above mentioned components – i.e., part of the balcony or part of the unit floor area.

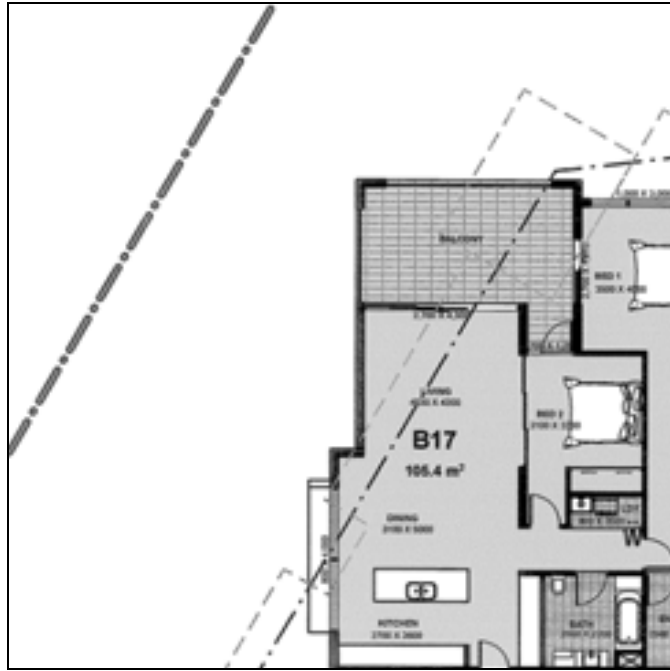


Figure 1 - Setback encroachment levels 5 and 6 in tower “B” adjacent to western boundary

The portion of tower “B” that encroaches adjacent to the western and southern boundaries (see figures 1 and 2) involves mainly an open level balcony and is not considered to adversely impact on amenity by way of restricting solar access or increased noise problems.



Figure 2 - Setback encroachment levels 5 and 6 in tower “B” adjacent to southern boundary

The portion of tower “A” that encroaches adjacent to the northern boundary (see figure 3) involves an open level balconies and bedrooms. This part of tower “A” is on the southern side of the neighbouring residence and is not considered to adversely impact amenity by way of restricting solar access or increase noise problems.

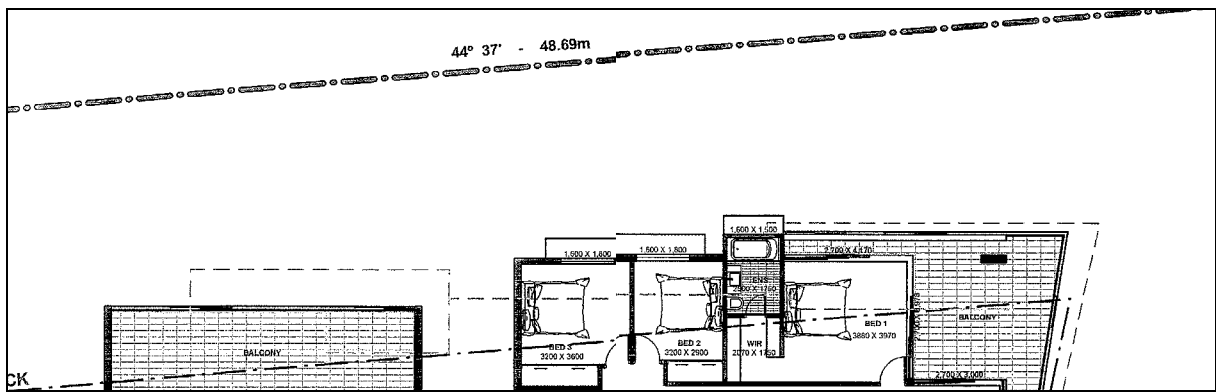


Figure 3 - Setback encroachment levels 5 and 6 in tower "A" adjacent to northern boundary

#### (iv) Impacts to Views

As the proposal does not comply entirely with Council's building line criteria, any interruption to views from surrounding residences requires investigation. 'Planning Principles established by case law identify how view sharing should be considered in assessing development. The findings of *Tenacity Consulting v Warringah Council 2004* established a four step approach to assessing the impact of development on views.

- 1<sup>st</sup> step - *Establish the value of the view*

Case law suggests that iconic views (views with significant features in the distance – E.g. Sydney Opera House or Harbour Bridge or historical features) are the most valuable followed by coastal views.

There are no structures within view range of the site or neighbouring properties that would be regarded as iconic. For example, The Entrance Bridge is not in the direct line of sight. However the channel, North Entrance sand spit and ocean views particularly corridor along Beach Street are considered as having some value and thus cannot be disregarded.

- 2<sup>nd</sup> step – *Establish source of view*

Step 2 relates to the views gained or benefited from the subject site on buildings existing or proposed on the subject site. Locations such as living areas are more important than bedrooms or other less communal areas. Therefore the source of the view is worthy of due regard.

To establish the view source the assessment is taken to be from the proposed development and also from existing neighbouring or nearby premises.

A number of units in the proposed development will benefit with view directions along restricted corridors spanning from east (via north) to west (see figure 4 below). Some units in the proposed development particularly those in tower "B" face the south and while they also gain a reasonable view in the upper levels; this direction is encumbered mainly with other residential buildings and is not regarded as a prime visual outlook.



**Figure 4: Potential view corridors from elevated levels from the proposed development**

However emphasis also is placed on establishing the view source from immediate neighbours, in this case those from other developments in Bayview Avenue and Ocean Parade.

Figure 5 below outlines the current view corridors from neighbouring or nearby low-rise developments. In most cases the corridors are taken to be from higher floors (given the high rise zoning parameters) in those premises – i.e., 4<sup>th</sup> floor and above. It is considered that when the proposed development is completed the view corridors as shown in figure 5 would be maintained without interruption.



**Figure 5: Current view corridors from nearby low-rise developments**



**(v) Comparison with previous Development Approval**

Council issued approval to DA 2857/2004 for 46 units in two blocks in 2005. In the absence of physical commencement the development consent has lapsed.

Given the relatively short period between both applications and their similarity in design it is worth comparing (see table 1) the basic design parameters of the previous approval with the current application.

**Table 1**

	DA 2857/2004	DA 736/2010	+ or -
Number of units	46 units	41 units	5 units less in current DA
Number of storeys (excluding roof terrace)	Block "A" – 6 Block "B" – 8	Block "A" – 6 Block "B" – 8	Same number
Number of basement levels	Block "A" – 2 Block "B" – 3 Separate parking modules for each block	Block "A" – 2 Block "B" – 2 One common parking module for both blocks	Current DA has one less basement level
Height – RL at roof terrace block "A"	33.60 metres AHD	34.50 metres AHD	Current DA is 0.90 metres higher
Basement level block "A"	9.60 metres AHD	10.60 metres AHD	Less depth of excavation (1.00 m) for current DA
Height – RL at roof terrace block "B"	40.60 metres AHD	41.00 metres AHD	Current DA is 0.40 metres higher
Basement level block "B"	7.30 metres AHD	10.60 metres AHD	Less depth of excavation (3.30 m) for current DA
Number of driveways	2 – accesses at Bayview Ave and Ocean Pde	1 – access at Bayview Ave	Less access points in current DA

The above figures suggest that the current application is slightly higher above ground level however requires less excavation compared to the previous approval. Other features are the current DA proposes 5 less units and one less driveway than the previous approval.

Not noted above are differences in car parking, density and setbacks. The previous application was conditioned by different DCP criteria compared with that required under the current application. Therefore any comparison on these items is not relevant.

*The access, transport and traffic management measures.*

**Traffic – external**

The development proposes vehicle access to the two levels of basement car parking from Bayview Avenue via a two-way ramp. A total of 63 car spaces are accommodated in the two car park modules.

Bayview Avenue is a crescent shaped thoroughfare; 12 metres wide between kerbs extending from Ocean Parade and terminating at the main commercial hub of The Entrance. The roadway is subject to a 50 kilometre speed limit (50 kph) and while attracting reasonable volumes of traffic, the thoroughfare is regarded as a safe and practical route for the access of the development.

### **Traffic – internal**

The internal access and entry ramp requires minor adjustment to ensure appropriate dimensions for gradient and width in accordance with AS/NZS 2890.1. Details can be included for the issue of the Construction Certificate.

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

The site is not required to provide any public open space however developer contributions for open space and community facilities under Section 94 apply at a rate applicable the scale of development.

Notwithstanding, the site is in close proximity by pedestrian access to the foreshore reserves adjacent to The Entrance channel and other parks nearby the town centre.

### ***The impact on utilities supply.***

#### **(i) Water Supply**

The development can be serviced for water from existing 150 mm water mains that are located on the eastern alignments of Ocean Pde and Bayview Ave.

The existing system is adequate to provide water supply to the proposed development.

#### **(ii) Sewer**

The site is currently serviced for sewer via existing lines (as are detailed on Figure 7). There are four sewer junctions within the development site and the developer may connect to either junctions. The unused junction is to be plugged in accordance with Council's Chapter 67 – 'Engineering Requirements for Development'.





**Figure 7**

The developer is fully responsible for the protection of the sewer line during the construction of the basement car park. Any required relocation of the sewer line will be the sole responsibility of the developer. Likewise, the developer will be responsible for maintaining services to other properties that are connected to this main.

The existing sewerage system can accommodate the above loading; however, some components of the downstream infrastructure will require upgrading to accommodate the ultimate loading in this area. The cost of the upgrading works will be funded from the sewerage contribution charges by the developers.

***The effect on heritage significance.***

The site does not contain nor is in close proximity to a site that contains any items of heritage significance.

***Any effect on other land resources.***

The land is not known as a source of any natural resources.

***Any impact on the conservation of water.***

The development will employ water recycling measures such as subground rain water storage tanks for the purpose of re-use in landscape watering. Flows will be directed to an on site detention tank and released to a pit and drainage system to be constructed in Ocean Parade. The on site detention system is proposed to contain additional flows from the site identified at 67.3L/Sec. This is acceptable considering the unit blocks will cover four standard building sites.

Drainage from the basement car park area shall be controlled to ensure removal of litter, sediment and oil/grease prior to entering Council's stormwater system.

Drainage from the refuse area and carwash space shall be directed to Council's sewer system via a pumping system approved by Council incorporated into a trade waste agreement.

Appropriate conditions are recommended should development consent be granted requiring the design of the proposed stormwater system to be in accordance with the guidelines set under the document "Australian Runoff Quality –A guide to water sensitive urban design. Furthermore, the collection of drainage from the sort area of the development will need to satisfy the requirements for the Australian Guidelines for Water Recycling (Stormwater Harvesting and Reuse) prepared by the Environment Protection and Heritage Council.

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

The site does not contain any acid sulphate soil properties.

***Any effect on the flora and fauna.***

**(i) Existing Landscape**

The site does not contain any native vegetation. However the location of the vehicle access to the development from Bayview Avenue is close to a mature Canary Date Palm (Phoenix Canariensis) in the roadway. There is a series of these trees in either side of Bayview Avenue.

Canary Date Palms are identified as "Trees of Cultural Significance" under Chapter 14 of DCP 2005 and can only be removed with Council consent.

The proposed access can be provided while retaining the palm tree. Conditions are recommended which will address appropriate constructions methods.



***Proposed location of access to basement car park extends from boundary (at left of view) to 1.50 metres from trunk of Bangalow Palm***



*View along Bayview Avenue – proposed access location at left of view*

### **(ii) Proposed Landscape Improvement**

The landscape design (category 3 required under Council's guidelines) addresses the open space curtilage within the development. The developed site will provide for deep soil planting opportunities where prominent plantings will include Archontophoenix Bangalow palms (mature height of 15 metres) generally at the focal points (boundaries and communal open space) in the site. The palm species was chosen to complement similar mature trees in the road reserve of Bayview Avenue.

The remainder of the "green" areas will be enhanced with small scale shrubs of native and decorative species.



*Concept landscape design*

***The provision of waste facilities.***

**(i) Construction Waste**

All existing structures are to be demolished and disposed of to recycling businesses or waste land fill for those components that cannot be reused. Excavated spoil is destined for use at other development sites. Until such time that the Construction Certificate is issued the exact destination is unknown. Appropriate conditions are to be imposed requiring accurate waste management details for each phase of construction.

**(ii) Ongoing Waste**

All waste storage is proposed on the first basement car park level. Twenty-two (22) recycle bins (240L), three (3) garden bins (240L) and six (6) bulk bins (660L) will be located in two separate enclosures. It is anticipated that the 240 litre bins will be transported by employee(s) of the unit management to the kerbside for weekly pick-up. Given that the frontage to Bayview Avenue extends across two allotments, it is considered that there is sufficient space adjacent to the kerb for temporary placement of bins without impacting on neighbouring sites.

The bulk bins (660L) will be accessed by contractors and disposed direct to waste facilities.

***Whether the development will be energy efficient.***

An energy efficiency assessment was undertaken in accordance with Basix legislation. The assessment reveals that the design of the building earns the units either a 4 or a 5 star rating with all units achieving Basix target scores for water, thermal and energy use.

**Whether the development will cause noise and vibration.**

Activity during the construction phase may create some noise however conditions of consent will restrict work to specific hours on certain days in order to minimise inconvenience to the neighbours.

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

The site is not subject to risk of natural hazards.

**Any risks from technological hazards.**

The development proposes two levels of basement car parking below ground level requiring excavation over a majority of the site. For the most part site excavation will be offset 3.00 metres from neighbouring boundaries, there are however instances (ramp between levels) where the need to excavate is closer to the property line.

Council's Development Engineer has reviewed the proposal and is satisfied by way of recommended conditions of consent that matters identified in the preliminary geotechnical assessment can be satisfied.

The natural ground level across the site is 16.50 (average) metres AHD. The level of the lower basement is 10.50 metres AHD requiring an average depth for excavation of 6.00 metres. The depth of excavation is likely to extend lower for the purpose of foundations and the lift well.

The geotechnical report submitted to Council by the consultant indicates groundwater approximately between 12 metres AHD and 12.5 metres AHD. The lower basement floor level is approximately 10.5 metres AHD. Therefore it will be necessary to lower the groundwater 2.0 to 3.0 metres to allow for construction of the basement. An obstruction to the groundwater will remain once the basement is constructed. The applicant will need to obtain a licence from the NSW Office of Water prior to issue of the Construction Certificate for the development.

The proposal to dispose of groundwater to Council's drainage system must be approved by Council and be disposed to a pipe drainage system. Water quality must be demonstrated and ongoing testing must form part of a management plan for the drainage at the site.

**Whether the development provides safety, security and crime prevention.**

A review of the "safer by design" principles established under the "Crime Prevention Through Design" guidelines as part of the matters for consideration under Section 79C of the EP & A Act provides the following conclusions:

**(i) Surveillance**

All areas that are likely to be used at night (car park, waste facility, basement, pathways, entries etc) are provided with a level of permanent illumination to ensure that "dark spots" do not occur. Those areas not permanently illuminated will be provided with sensor timed lighting.

The lighting has been designed to ensure that it does not spill onto adjoining properties.

The entrances and foyers are designed to minimise obscured views and will be secured at certain times.

**(ii) Access Control**

Vehicle access is limited to one location due mainly to the nature of the car park design and will be secured by gates. Beyond that, the applicant has elected to control pedestrian access by way of appropriate pathway entry design rather than to simply barricade the premises with fencing that could be seen as having a compound effect.

**(iii) Territorial Reinforcement and Space Management**

The level of surveillance including closed circuit TV and illumination within the communal open space and pedestrian access areas and car park will deter potential criminal activity.

***Any social impact in the locality.***

The proposed development will continue to promote a sense of community structure and character in The Entrance district. The local area is recognised as a major tourist destination being within easy travelling distance and time to the metropolitan areas of Sydney. As a result, additional residential opportunities will become available and extend social interaction between the commercial and residential sectors of the township.

***Any economic impact in the locality.***

The proposed development has the potential to affect in a positive manner the economic values of The Entrance district. An increase in the residential population density flows to an increase in commercial and tourist opportunities. Given that The Entrance is dominated by a large CBD supported by a multitude of tourist related businesses, it reasonable to suggest that the development would have a positive economic impact in the area.

This report does not make any conclusions on the impact to real estate values. It is fair to suggest however that the development, being consistent with the zone and local planning strategy is not an unexpected form of development in the area. Therefore a development compatible with the intent of the zone is unlikely to be detrimental to the viability of land in The Entrance area.

***Any impact of site design and internal design.***

The internal layout of the building is compliant with the provisions for egress and fire safety in the Building Code of Australia.

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

Conditions of approval will require appropriate management of construction activity. Haulage routes are to be nominated prior to commencing work and safety barriers will be erected and maintained throughout the development period.

***Any cumulative impacts.***

It is unlikely that there would be any significant impacts or disturbances that would act in unison to establish a cumulative effect.

***Are Developer Contributions applicable?***

The above proposal falls within the Section 94 and Development Servicing Plan (DSP) for The Entrance District and contribution charges for Community Facilities, Open Space, Roads, Water Supply and Sewerage will be applicable.

The development includes four allotments comprising a single storey weatherboard dwelling on No 31 Ocean Parade, a brick dwelling on No 33 Ocean Parade, a single storey development at No 11 Bayview Pde containing 5 units and a double storey residential flat building containing 6 units at No 13 Bayview Avenue.

The proposed development generates 34.24 DU (development units). Based on Council record, the credits available for the existing development on the four lots totals 10.03 DU.

Accordingly contributions for the application equate to 24.21 DU for Section 94 and Water Management components.

**THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):*****Whether the proposal fits in the locality.***

The development is regarded as a design that would extend the character of residential zone of The Entrance in keeping with the existing character and also with the intent of the recently adopted planning strategy.

The development would not lead to unmanageable demands on services infrastructure, transport or community facilities.

***Whether the site attributes are conducive to development.***

The site does not exhibit any natural hazards that would restrict development. The aspect of ground water has been noted and where required conditions imposed to address this issue.

**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 eleven (11) submissions being received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979. A summary of the submissions is detailed in Attachment F.

***Any submission from public authorities.***

Nil

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

Community interest is confined to individual submissions which are noted elsewhere in this report.

Federal, State or Local government policies are also noted elsewhere in this report.

It is considered that the development would not affect the health and safety of the public.

## **CONCLUSION**

The proposal generally complies with Council's requirements as identified within Chapters 60 and 64 of DCP 2005, with the exception of the variations to some setbacks and solar access. As discussed within the report, the variations to the setbacks are considered to be minor and would be unlikely to impact on the surrounding properties. Similarly, the variation to the level of solar access is only minor and each unit will receive direct sunlight during winter.

The issue of amalgamating the neighbouring corner allotment has been examined in this report. It is concluded that both the subject land and the corner site have fair and reasonable opportunities for sustainable development, consistent with Council's residential planning guidelines.

Overall, the development has been improved following the comments of the CCDRP and initial assessment against Council's policies, which has resulted in an improved building separation and external appearance and an increase in ground level open space and deep soil zones to support significant areas of landscaping. Consequently, the application has adequately addressed the ten design quality principles of SEPP 65 and meets the objectives of Council's policies.

It is therefore recommended that the application be approved.

<b>Attachment A</b>	<b><i>Draft schedule of conditions</i></b>
<b>Attachment B</b>	<b><i>Photos of site and surrounding district</i></b>
<b>Attachment C</b>	<b><i>Photomontages</i></b>
<b>Attachment D</b>	<b><i>Colour Schedule</i></b>
<b>Attachment E</b>	<b><i>Residential Guideline checklists – Ch. 64 and Ch. 60</i></b>
<b>Attachment F</b>	<b><i>Summary of Public Submissions</i></b>



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

## PROPOSED CONDITIONS

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

### Certificates/Engineering Details

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

## Prior to Release of Construction Certificate:

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

### Certificates/Engineering Details

- 3 The submission to Council of a Practising Professional Engineer's design for the footings, concrete slab or details within the zone of influence of, or over the sewer main. The design is to indicate the proposed method of protecting the sewer main in accordance with Council's requirements for Building over or Adjacent to Sewers. Design details are to be approved by Council as the Water Supply Authority under the Water Management Act prior to the issue of a Construction Certificate.
- 4 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. Should Council not have any record of the existing fire safety measures in the building or on the land a separate list of these existing fire safety measures is to be submitted. The lists must describe the extent, capability and basis of design for each measure prior to the issue of a Construction Certificate.

- 5 This consent permits a two stage development; Stage 1 for block "A" at No 31 – 33 Ocean Parade and Stage 2 for block "B" No 11 – 13 Bayview Avenue. Construction Certificates are to be issued appropriate for the extent of works required for each stage of development to ensure that individual stages function in accordance with the approved plans.

### Construction

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

**Contributions**

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

**Dilapidation**

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

**Erosion and Sediment Control – Building Sites**

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

**Filling and Haulage**

- 15 Prior to the issue of a Construction Certificate for Stage 1, the submission to and approval by the Council as the Roads Authority of details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site.
- 16 Cut / fill proposed for the development is to be supported by a geotechnical report classifying the material to be excavated and it's suitability for any alternate use.

**Landscaping**

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

**Waste Management**

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

**Roads**

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

**SEPP 65**

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

**Stormwater**

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

**Vehicle Access and Parking**

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

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

### **Water and Sewer Services/Infrastructure**

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

## **Prior to Commencement of Works:**

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

### **Approved Plans**

- 34 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

### Acid Sulphate Soils

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

### Acoustic

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

### Construction

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

### Demolition

- 38 Building demolition work is to be carried out in accordance with the requirements/provisions of the AS2601-2001 - The Demolition of Structures.
- 39 Prior to the demolition and/or removal of existing structures on site, all existing services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer. A Start Work Docket must be submitted to Council and Council's Plumbing and Drainage Inspector must certify that the works have been undertaken to the satisfaction of Council.
- 40 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- a the person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
  - b any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered.

### Dilapidation

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

### Dust Control

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

### Dial before you Dig

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

### Erosion and Sediment Control

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



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

### General

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

### Other Authorities

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

### Plumbing and Drainage

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

### Site Requirements

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

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

**Survey Reports**

- 62 To ensure that siting, height and view sharing objectives are achieved, a survey of each floor level must be undertaken by a registered surveyor and submitted to the Principal Certifying Authority prior to the wall frames being erected. The survey is to detail that the boundary setbacks and finished floor levels are in accordance with the approved plans. In the case of roof structures the level of the roof ridge must be confirmed prior to the fixing of the roof cladding.

**Prior to Release of Occupation Certificate:**

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

**Acoustic Requirements**

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

**Amenity**

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

**BASIX**

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

**Building Code of Australia**

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

**Certificates/Engineering Details**

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

- 69 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.
- 70 Certification from a qualified structural/civil engineer shall be submitted prior to occupation that all piling / piling, foundations, load bearing retaining walls, underground tanks and structures as built have been constructed in accordance with the submitted plans, accepted practice, and that the structure is stable and capable of catering for all anticipated loads.

### **Consolidation**

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

### **Dilapidation**

- 72 Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of the Occupation Certificate.

### **External Materials**

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

### **Filling and Haulage**

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

### **Landscaping**

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

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

### **Civil Work Certification/Restrictions**

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

### **Roads**

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

### **SEPP 65**

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

**Site Requirements**

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

**Stormwater**

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

**Vehicle Access and Parking**

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

**Waste Management**

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

**Water and Sewer Services/Infrastructure**

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

## Ongoing Operation:

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

### Amenity

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

### Landscaping

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

### Stormwater

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

### Vehicle Access and Parking

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

### Waste Management

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



## SCHEDULE OF CONTRIBUTIONS

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

**ATTACHMENT B**



*Ocean Parade frontage*



*Ocean Parade frontage (centre and left of image) with neighbouring units on right of view*



*Bayview Avenue frontage*



*Neighbouring units at the corner of Bayview Avenue and Ocean Parade*



*View from subject site in a north-east direction along Beach Street toward The Entrance channel*

**ATTACHMENT C**



**Photomontage – Ocean Parade frontage**



**Photomontage – corner of Ocean Parade and Bayview Avenue**



Photomontage – from Bayview Avenue

**ATTACHMENT D – Colour Schedule**



**WALL TYPE COLOUR 1**  
DULUX SPECIFIER  
Colour: Sunlounge P10.H9



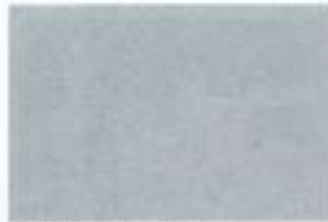
**WALL TYPE COLOUR 2**  
DULUX SPECIFIER  
Colour: Bogart P14B5



**WALL TYPE COLOUR 3**  
DULUX SPECIFIER  
Colour: Natural white PCWF5



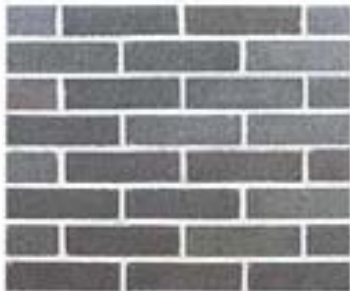
**ROOF  
COLORBOND**  
Shale grey



**WINDOWS AND  
SHUTTERS**  
DULUX POWDERCOATS  
Shale grey 83246



**CUSTOM ORB ZINCALUME  
CLADDING**  
LYSAGHT



**FENCE TYPE 1**  
AUSTRAL BRICKS  
Bowral blue



**FENCE TYPE 2**  
METAL ART INDUSTRIES  
Supa slat – wood grain  
Chestnut



**WALL – GLAZED BRICKS**  
AUSTRAL BRICKS  
Burlesque – Smashing blue

**ATTACHMENT E – Residential Guideline checklist****Chapter 64 – Residential Development**

Aspect	Requirement	Proposal	Complies/Variation
<b>Density</b>			
<b>Density (FSR) and Development Bonuses</b>	For high rise on 2(d) land FSR = 1.5:1  FSR bonus for proposals on lots over 3000m <sup>2</sup> and high quality design of 15% to 20% up to 4000m <sup>2</sup>	Site has area of 3304m <sup>2</sup> . Bonus equates to 16.5%, gives total permissible GFA of 5773m <sup>2</sup> . Gross floor area of tower "A" is 2194m <sup>2</sup> and tower "B" is 3462m <sup>2</sup> . Total GFA = 5656m <sup>2</sup> , which is less than the bonus included 5773m <sup>2</sup> .	Yes – additional commentary in body of the report on bonus provision.
<b>Construction &amp; Appearance of Development</b>			
	Compatible with objectives of zone in scale, function and appearance	6 and 8 storeys (plus covered roof terraces) is considered acceptable within the 2(d) zone and is in keeping with the surrounding height limits and the existing development in neighbouring streets.	Yes
	Balconies, planters, verandas, steps in the roof line or other architectural features to provide visual relief and minimise bulk and scale	External appearance satisfactory.	Yes
	Landscaping	Landscape plan submitted by a Cat. 3 consultant and incorporates roof area, front planting and communal open space.	Yes

Aspect	Requirement	Proposal	Complies/Variation
	Mixture of building materials including masonry, timber and glass.	Building predominantly masonry and glass.	Yes
<b>SETBACKS</b>			
<b>Block A</b>			
<b>Front – Ocean Pd</b>			
High rise and walk-up flats- 3 or more storeys	7.5m	7.5 m	Yes
<b>South</b>			
(Level 1)	6.0 m	6.0 m	Yes
(Level 2)	6.0 m	6.0 m	Yes
(Level 3)	6.0 m	6.0 m	Yes
(Level 4)	6.0 m	6.0 m	Yes
(Level 5)	9.0 m	6.1 to 9.0 m	<b>No</b> – refer to report <b>No</b> – refer to report
(Level 6)	9.0 m	5.9 to 9.0 m	



<b>North</b>			
(Level 1)	6.0 m	6.0 m	Yes
(Level 2)	6.0 m	6.0 m	Yes
(Level 3)	6.0 m	6.0 m	Yes
(Level 4)	6.0 m	6.0 m	Yes
(Level 5)	9.0 m	6.3 to 9.0 m	<b>No</b> – refer to report
(Level 6)	9.0 m	6.3 to 9.0 m	<b>No</b> – refer to report
<b>Block B</b>			
<b>Front – Bayview Ave</b>			
High rise and walk-up flats- 3 or more storeys	7.5 m	Generally 7.5	Yes
<b>south</b>			
(Level 1)	6.0 m	6.0 m	Yes
(Level 2)	6.0 m	6.0 m	Yes
(Level 3)	6.0 m	6.0 m	Yes
(Level 4)	6.0 m	6.0 m	Yes
(Level 5)	9.0 m	6.0 to 9.0 m	<b>No</b> – refer to report
(Level 6)	9.0 m	9.0 m	Yes
(Level 7)	9.0 m	9.0 m	Yes
(Level 8)	9.0 m	9.0 m	Yes
<b>West</b>			
(Level 1)	6.0 m	6.0 m – minor intrusion by corner of balcony to levels 1 – 4 not included in setback assessment	Yes
(Level 2)	6.0 m	6.0 m	Yes
(Level 3)	6.0 m	6.0 m	Yes
(Level 4)	6.0 m	6.0 m	Yes
(Level 5)	9.0 m	6.0 to 9.0 m	<b>No</b> – refer to report
(Level 6)	9.0 m	6.0 to 9.0 m	<b>No</b> – refer to report
(Level 7)	9.0 m	6.0 to 9.0 m	<b>No</b> – refer to report
(Level 8)	9.0 m	6.0 to 9.0 m	<b>No</b> – refer to report
<b>Absolute waterfront</b>	20m from high water mark	N/A	

Aspect	Requirement	Proposal	Complies/Variation
<b>BUILDING HEIGHTS</b>			
<b>2(d) High Density Residential Zone</b>	Height to be assessed on merits in terms of visual impact on the streetscape and impact on amenity, privacy, views and solar access.	Block A – 18 metres plus roof terrace. Block B 24 metres plus roof terrace. These heights reflect the height limits applicable under DCP 60 and The Entrance planning strategy.	Yes  Yes
<b>OPEN SPACE</b>			
<b>Balconies</b>	Min 10sqm with min dimension 2m, directly accessible from general living areas.	All units have a balcony accessible from the living room with a minimum area of 10 m <sup>2</sup>	Yes

<b>Communal Open Space</b> (High rise units)	Up to two locations min rate of 10sqm/dwelling min width 5m. 41 units x 10 sum = 410sqm	Approx 820 m <sup>2</sup> provided in total throughout site.	Yes
	Communal O/space to be l/scalped & have BBQ, seating, tennis court etc commensurate with scale. Consider separate locker for tools.	Community room, gym and outdoor seating/BBQ facilities proposed.	Yes
<b>CAR PARKING &amp; VEHICULAR ACCESS</b>			
<i>Resident parking</i>	29 x 2 beds @ 1.2 spaces per unit = 34.8 and 12 x 1.5 spaces per unit = 18 spaces Total 34.8 + 18 = 53	55 available	Yes
<i>Visitor parking</i>	1 space per 5 units (over 15 units) = 8 spaces	8 available	Yes
<i>Bicycle parking</i>	1 space per 3 units = 15 spaces	Total on site = 63 spaces 18 available	Yes
	Enter & leave site in forward direction	Vehicles will enter and leave basement in forward direction	Yes
<b>Vehicular Access Design</b>	Excessive use of plain concrete avoided.	Driveway and ramp to basement car park not excessive in length. Standard condition for driveway to be of decorative finish.	Yes
<b>SOLAR ACCESS</b>			
<b>Sunshine amenity &amp;</b>	All dev to have 75% of each red o/space to have unobstructed sunlight for minimum 3 hours between 9.00 am and 3.00pm June 21.	Block A – All units receive direct sunlight to their balconies between 9 am and 12 noon. Block B – 4 units do not strictly comply but receive approx 2 hours direct sunlight to at least 75% of their balconies between 1pm and 3pm.  The development poses a slight impact in respect to shadowing those existing unit complexes on the southern side of tower blocks “A” and “B”. Two neighbouring unit buildings (both two storeys) in Ozone Street are quite old and appear ready for redevelopment. The neighbouring corner site unit complex at Ocean Parade and Ozone Street is a new development with balconies facing the development site. The neighbouring premises will be subject to a degree of overshadowing at certain times of the day. Given the high-rise zone intentions it is difficult to avoid such circumstances.	Yes  <b>No</b> – minor loss of sunlight considered to be insignificant in context of available balcony space  <b>No</b> - The development has attempted to assist the solar access issue by separating the two towers with communal open space thereby providing some opportunity for sunlight to the southern neighbours.

Aspect	Requirement	Proposal	Complies/Variation
<b>Shadow diagrams</b>	Shadow diagrams to be submitted for over 2 storey.	Shadow diagrams have been provided, which show overshadowing of adjoining properties. While some overshadowing does occur, it is not considered unreasonable given the orientation and zoning of the site.	Yes
<b>PRIVACY</b>			
<b>Visual Privacy</b>	Building layout (windows, balconies, screening & l/scalping) to min direct o/looking of internal living areas & private o/space	Windows have been appropriately located to reduce overlooking particularly between the two buildings and adjustable louver screens area provided to the balconies.	Yes
<b>Acoustic Privacy</b>	Site layout should separate active reek areas, parking areas, vehicle access ways etc from bedrooms.	The internal arrangement of living areas and bedrooms is acceptable.	Yes
<b>FACILITIES &amp; AMENITIES</b>			
<b>Fencing</b>	Dividing fence not to adversely affect flow of surface water.	1.8 metre high fence is proposed to side boundaries. Standard condition to apply to ensure flow of surface water is not affected.	Yes
<b>Waste Disposal</b>	Bulk storage areas to be masonry or other suitable material & to be l/scalped. Method of waste disposal to be specified as per DCP 69.	Bulk waste bins are to be stored in the basement. An area for the collection of waste from the street has also been identified on the plans.	Yes
<b>Laundries</b>	Individual laundry for each dwelling	Each unit contains a laundry	Yes
<b>Carwash Facility</b>	Each development to have car washing facility. If in basement it is to be bonded and connected to sewer.	Trade waste application required (condition).	Yes
<b>Mailboxes</b>	One per dwelling plus 1 for strata	Mail boxes to be provided at each street frontage for each unit.	Yes
<b>Drying Areas</b>	In accordance with BOCA	Internal dryers proposed	Yes
<b>Lifts</b>	In accordance with BOCA	Lifts proposed to service all levels of the development	Yes

### **Development Control Plan No 60- The Entrance**

Those issues applicable under DCP 60, which have not been addressed above are discussed in the following table.

Aspect	Requirement	Proposal	Complies
<b>Heights</b>			
<b>2(d) – high Density Residential</b>	DCP 60 does not cover 2(d) zone, in which there is no specified height limit. The site was previously zoned 2(c) with a height limit of 24 metres at	The buildings are proposed to be 24 and 18 metres plus roof structures as previously required under the LEP Building Height Map.	Yes

	No's 11-13 Bay View Ave and 18 metres for No's 31-33 Ocean Parade.		
<b>Ceiling Heights</b>	Residential - 2.7m	2.7 m floor to ceiling heights proposed	Yes
<b>Landscaping</b>	Landscaping Design Report by approved consultant for Category 3 design.	Category 3 landscape plan submitted.	Yes
	Footpath pavement materials in accord with Council preferred treatment.	No special footpath finishes e.g. tiles required within this part of The Entrance.	N/A
	Regard to streetscape and context	Each building addresses the street scope satisfactorily.	Yes
	Natives	Native species incorporated	Yes
<b>Maritime Design Theme</b>	Incorporate architectural design features and cosmetic elements that adopt a maritime theme. Desired features: water features, sails, wave and dune shapes, murals, bollards, ropes, masts and flags, cable and decking. Colour schemes for residential buildings shall be maritime theme related.	Does not strictly comply with the maritime theme although the development has been designed having regard to its coastal location.  It is noted that the SEPP 65 DRP has reminded Council that it does not favour maritime themes other than selective colour schemes.	<b>No</b> – but not regarded as a variation to the DCP based on DRP comments.
<b>Energy Efficiency</b>	Regard to sitting layout & construction to min heating, cooling & lighting	Solar access, cross ventilation, thermal massing, water efficient fixtures and water reuse.	Yes
<b>Storm water nutrient &amp; sediment control</b>	Comply with Council's Storm water Mgt Plan Storm water Concept Plan red for DA	Satisfactory concept plan submitted.	Yes
<b>Pedestrian &amp; Cycle Circulation</b>	Access through development that promote links between destinations and attractions	Being a residential development, general access through the site is not appropriate. Pedestrian access within the site for the residents is satisfactory.	Yes

<b>Aspect</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Complies</b>
<b>PART 3- Critical Design</b>	-Intrusiveness of the development -Compatibility with broader urban context (existing and future) - Human scale	Proposal is in keeping with the zoning and surrounding development.	Yes
	- Interesting & attractive roof	No lift access is provided to the roof which reduces the height of the overrun and covered roof terraces are provided.	Yes
	-Vehicle access, car parking -Pedestrian access & conflicts	Vehicle access and pedestrian access throughout development is satisfactory.	Yes
	- Boundary treatments - Access for disabled - Crime prevention - Waste, laundry, mail boxes & carwash	1.8 metre high fencing is proposed to side boundaries. Access is provided for the disabled by way of lifts. Waste facilities, laundries, mailboxes and designated car wash all identified.	Yes
<b>PART 4- Land use Precincts</b>			
<b>Precinct 3 Development Principles</b>	Buildings to address the street frontages. High quality landscaping & fence treatments to create urban residential streetscape.	Each building addresses its street frontage with the front setbacks proposed to be heavily landscaped.	Yes
	Car parking to be positioned so as not to dominate streetscape.	Within basement.	Yes
	Minimise shadowing, wind tunnelling and overlooking.	Overshadowing of adjoining properties is minimal and larger	Yes

	Encourage passive solar protection & natural ventilation.	setbacks will reduce overlooking and wind tunnelling. Each unit has good solar access and cross ventilation complies with RED recommendation.	
	Useable active open space areas between buildings encouraged.	The area between the two buildings has been substantially increased to provide usable common open space	Yes

Aspect	Requirement	Proposal	Complies
	Waste storage facilities not intrusive	Waste storage provided within basement and a location identified at street level for collection	Yes
	Regard to relationship of proposed buildings with adjoining & surrounding development in the locality (existing and future)	The site is located on the fringe of the 18 m height limit, closest to the coast. The site is in close proximity to Ocean Parade, which has a number of 6 storey buildings approved and constructed. The design and appearance of the building is in keeping with the surroundings, utilising neutral colours and smooth lines.	Yes

**ATTACHMENT I - Summary of Public Submissions**

Doc. No	Summary of Issues	Assessment Response
D02285325	Location of swimming pool will create noise and privacy problems and new building will block sunlight.	<p>The development does not propose a swimming pool. There are several decorative ponds with adjacent seating for communal use; however it is considered that this area would not generate any intensive acoustic or privacy problems.</p> <p>The position of Tower "A" would in part overshadow the neighbouring (objectors) block of units. This is unavoidable in a zoning such as the 2(d) zone which is design to promote high rise development. There is a reasonable separation (15 metres) between the neighbours building and the development providing appropriate ventilation and solar access.</p>
D02302774	Damage to neighbouring property during construction.	Appropriate conditions (dilapidation report, haulage routes etc) are recommended that address the construction period of the development.
D02303593	<p>The location of development particularly building "A" in respect to neighbouring unit premises on No 29 Ocean Parade is unable to meet NSW Residential Flat Design Code (RFDC) separation of 18 metres.</p> <p>Damage during construction.</p> <p>Impact to amenity – noise from balconies.</p> <p>Construction hours.</p>	<p>The separation between the proposed and existing building will be between 9.00 and 13.00 metres. The RFDC criteria are a recommendation. In considering the reduced separation it is considered that the development has provided adequate scope for natural ventilation and solar access in addition to good horizontal articulation and therefore meets the objectives of a good design based on the RFDC code.</p> <p>Appropriate conditions (dilapidation report, haulage routes etc) are recommended that address the construction period of the development.</p> <p>A series of balconies (required open space) attached to proposed building "A" face the objector's premises. Their own balconies with exception of two are on the opposite side of their building and thus direct confrontation is minimal. The extent of acoustic projection from small balcony space would be difficult to measure. In this instance, given that neither set of balconies are in direct visual contact, it is fair to conclude that noise issues would not be experienced.</p> <p>Hours of work will be confined to hours as specified on the application as Monday to Saturday 7am to 5pm.</p>

Doc. No	Summary of Issues	Assessment Response
D02304744	Damage during construction from excavation.	Appropriate conditions (dilapidation report, haulage routes etc) are recommended that address the construction period of the development.
D02305011	<p>Damage during construction from excavation and extent of construction activity.</p> <p>Noise emanating from single vehicle ingress/egress to Bayview Avenue.</p> <p>Impact to amenity – noise from balconies.</p> <p>Excavation may create water ponding.</p>	<p>Appropriate conditions (dilapidation report, haulage routes etc) are recommended that address the construction period of the development.</p> <p>While access is concentrated at one location, the car park entry is the only portion of the car park exposed suggesting that noise emanating from the parking module will be confined to the basement areas.</p> <p>A series of balconies (required open space) attached to proposed tower “A” face the objector’s premises. Their own balconies with exception of two are on the opposite side of their building and thus direct confrontation is minimal. The extent of acoustic projection from small balcony space would be difficult to measure. In this instance, given that neither set of balconies are in direct visual contact, it is fair to conclude that noise issues would not be experienced.</p> <p>In the event that ponding occurs during the construction phase of the development, the developer will be required to extract the water and remove to an appropriate location not directly linked to the stormwater system.</p>

Doc. No	Summary of Issues	Assessment Response
D02305199	<p>Impact to privacy.</p> <p>Damage during construction from excavation and extent of construction activity.</p> <p>Loss of sunlight in morning periods.</p> <p>Obstruction to views.</p> <p>Impact to amenity – noise from balconies.</p> <p>Development not compatible with zone objectives.</p> <p>Affects of long-term subsidence.</p>	<p>Submission is concerned for proximity of development to neighbouring bedrooms and bathrooms. The nature of high-rise development is generally unable to avoid circumstances where units face other units. A separation of about 9m reduces any possible issues.</p> <p>Appropriate conditions (dilapidation report, haulage routes etc) are recommended that address the construction period of the development.</p> <p>The development will not overshadow the neighbouring premises during the core hours of 9am to 3pm. The neighbouring unit premises are located on the northern side of the development.</p> <p>The view from the neighbouring units (source from objectors unit) is partially affected by the proposed development. However there remains a field of view toward Ocean Parade.</p> <p>A series of balconies (required open space) attached to proposed tower “A” face the objector’s premises. Their own balconies with exception of two are on the opposite side of their building and thus direct confrontation is minimal. The extent of acoustic projection from small balcony space would be difficult to measure. In this instance, given that neither set of balconies are in direct visual contact, it is fair to conclude that noise issues would not be experienced.</p> <p>The submission raises this issue but does not expand on how the proposal fails to satisfy the zone objectives. It is considered that the scale of development is relatively in character with the desired future residential strategy in The Entrance district as stated in the recent release of Council's Development Strategies.</p> <p>The submission is concerned that the extent of excavation may cause long-term problems to neighbouring properties. Appropriate conditions will be imposed on the development that all construction works are undertaken to “best practice” standards and that the design is certified by qualified engineers and building consultants.</p>

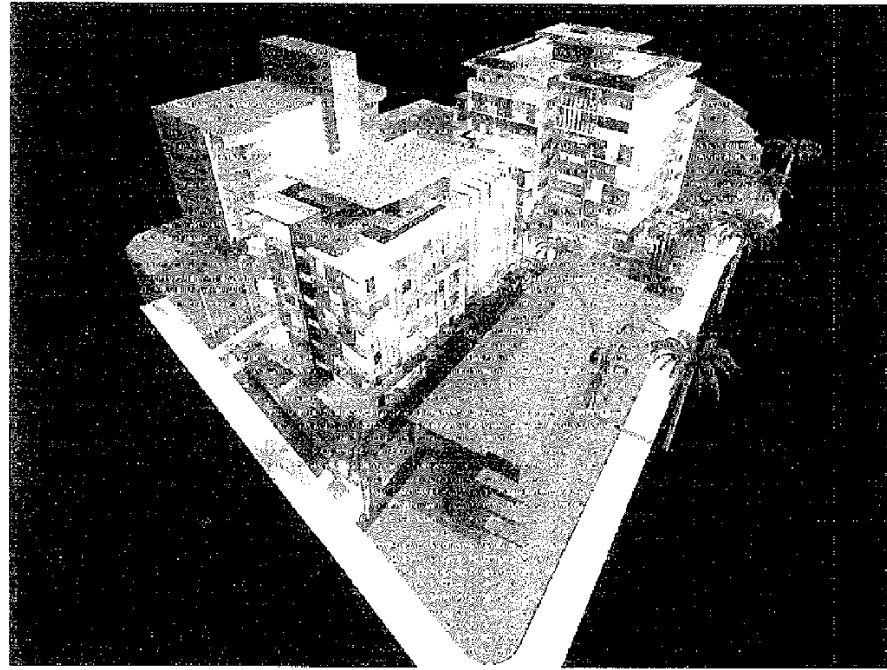




Doc. No	Summary of Issues	Assessment Response
D02305626	<p>Damage during construction from excavation and extent of construction activity.</p> <p>Excavation may create water ponding.</p> <p>Construction hours – impact from noise.</p> <p>Impact to amenity – noise from balconies.</p>	<p>Appropriate conditions (dilapidation report, haulage routes etc) are recommended that address the construction period of the development. The submission is also concerned that the extent of excavation may cause long-term problems to neighbouring properties. Appropriate conditions will be imposed on the development that all construction works are undertaken to “best practice” standards and that the design is certified by qualified engineers and building consultants.</p> <p>In the event that ponding occurs during the construction phase of the development, the developer will be required to extract the water and remove to an appropriate location not directly linked to the stormwater system.</p> <p>Hours of work will be confined to hours as specified on the are recommended as Monday to Saturday 7am to 5pm.</p> <p>A series of balconies (required open space) attached to proposed building “A” face the objector’s premises. Their own balconies with exception of two are on the opposite side of their building and thus direct confrontation is minimal. The extent of acoustic projection from small balcony space would be difficult to measure. In this instance, given that neither set of balconies are in direct visual contact, it is fair to conclude that noise issues would not be experienced.</p>

Doc. No	Summary of Issues	Assessment Response
D02305946 (D02306081 – copy of above)	<p>Damage during construction from excavation and extent of construction activity.</p> <p>Noise and fumes emanating from single vehicle ingress/egress to Bayview Avenue.</p> <p>Impact to amenity – noise from balconies.</p> <p>Period of construction activity.</p>	<p>Appropriate conditions (dilapidation report, haulage routes etc) are recommended that address the construction period of the development. The submission is also concerned that the extent of excavation may cause long-term problems to neighbouring properties. Appropriate conditions are recommended to ensure that all construction works are undertaken to “best practice” standards and that the design is certified by qualified engineers and building consultants.</p> <p>While access is concentrated at one location, the car park entry is the only portion of the car park exposed suggesting that noise emanating from the parking module will be confined to the basement areas. Fumes will be controlled to a specific outlet and filtered, thereby eliminating risk to neighbouring properties.</p> <p>A series of balconies (required open space) attached to proposed Tower “A” face the objector’s premises. Their own balconies with exception of two are on the opposite side of their building and thus direct confrontation is minimal. The extent of acoustic projection from small balcony space would be difficult to measure. In this instance, given that neither set of balconies are in direct visual contact, it is fair to conclude that noise issues would not be experienced.</p> <p>It is difficult to estimate the period required for construction – this will depend on many factors that Council cannot control. However during the course of construction Council is able to ensure that public areas such as roadways and footpaths are unobstructed and safe for the public to use.</p>

# PROPOSED RESIDENTIAL APARTMENTS 31-33 OCEAN PARADE & 11-13 BAYVIEW AVENUE, THE ENTRANCE



DEVELOPMENT DATA	
SITE AREA	3101.1 m <sup>2</sup>
zoning	RESIDENTIAL 2(a)
FFR (MAXIMUM 1.5:1) + DOUBLE OF 10% OF SITE AREA	
0.1863222 x 34567	
0.0000000 x 34567	
28150.15 = 577.307	
UNRECOVERED PERMANENT PERMISSIBLE COVERING (RESIDUAL 1.5:1)	
BLOCK AREA	2400 m <sup>2</sup>
BLOCK COVER	2400 m <sup>2</sup>
TOTAL AREA	2400 m <sup>2</sup>
LANDSCAPED AREA (10% OF SITE AREA)	
TOTAL LANDSCAPED AREA REQUIRED 310.116 m <sup>2</sup> (10% OF 3101.16)	
TOTAL LANDSCAPED AREA PROVIDED 310.116 m <sup>2</sup>	
10% OF TOTAL PERMISSIBLE AREA (TOTAL 1.5:1) 465.172 m <sup>2</sup>	
PROVIDED 465.172 m <sup>2</sup>	
UNITS REQUIRED	
BLOCK 1	2 RESIDENTIAL UNITS
BLOCK 2	2 RESIDENTIAL UNITS
TOTAL	4
BLOCKS	
2 RESIDENTIAL UNITS	
2 RESIDENTIAL UNITS	
TOTAL	4
BUILDING HEIGHT	
FLOOR LEVEL TO FLOOR LEVEL	10m MAXIMUM
MAXIMUM OVERHANG	2m MAXIMUM
MAXIMUM OVERHANG PROTRUSION	2m MAXIMUM
SETBACKS	
FRONT	7.5m
SIDE & REAR	LEVEL 1-4) 6.0m REQUIRED LEVEL 5-10 5.0m REQUIRED
CAR PARKING	
REQUIRED	
2 RESIDENTIAL UNIT 1.2 x 4 x 3	
2 RESIDENTIAL UNIT 1.2 x 4 x 3	
TOTAL REQUIRED 10.1 SPACES	
PROVIDED	
2 RESIDENTIAL UNIT 1.2 x 4 x 3	
2 RESIDENTIAL UNIT 1.2 x 4 x 3	
TOTAL PROVIDED 10.1 SPACES	



## BASIX Certificate

Basix facta number: 31632204

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 20/05/2010 published by the Department of Planning. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Effective Date of Issue: Friday, 04 June 2010

NSW Planning

Property Name	31-33 Ocean Parade Pty Ltd
Street Address	31-33 Ocean Parade The Entrance 2261
Local Government Area	Warringah Shire Council
Plan type and plan number	general 17377
Lot no.	7/10
Section no.	
Site area (m <sup>2</sup> )	3101.16
No. of units to be developed	4
No. of units in unit building	4
No. of attached dwelling houses	0
No. of separately sleeping houses	0
Site area (m <sup>2</sup> )	3101.16
Roof area (m <sup>2</sup> )	1200.0
Non-residential floor area (m <sup>2</sup> )	0
Residential car spaces	64
Non-residential car spaces	0
Common area lawn (m <sup>2</sup> )	0
Common area garden (m <sup>2</sup> )	910.0
Area of wet spaces or water table spaces (m <sup>2</sup> )	0
Address number	31632204
Draft form number	17402763
Climate zone	11

Score	Target
Water: 40 (Target 40)	40
Theoretical carbon: pass (Target pass)	Pass
Energy: 70 (Target 70)	70

Assessment	Compliance	Score	Weight	Target
Water	40	40	1	40
Theoretical carbon	Pass	Pass	1	Pass
Energy	70	70	1	70
<b>Total</b>	<b>Pass</b>	<b>110</b>	<b>3</b>	<b>110</b>

- DO NOT SCALE PRODUCTIONS. USE DIMENSIONS ON DRAWINGS ONLY.
- BUILDER TO CHECK & VALIDATE ALL DIMENSIONS 14 DAYS PRIOR TO COMMENCEMENT OF WORK.
- IF IT IS THE SERVICE RESPONSIBILITY TO PROVIDE THAT THE DRAWING HAS ANY UNRESOLVED COMMENTS & DESIGN ALL DIMENSIONAL ELEMENTS TO BE CORRECTED & RE-DRAWN TO SUIT.
- THE DRAWING IS NOT TO BE REPRODUCED OR USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF DE ANGELOIS TAYLOR & ASSOCIATES.

Issue	Responsible	Date	Drawn	Checked	Project Name
A	DEVELOPMENT APPLICATOR	04/07/10	DT		
B	AMENDMENTS AS PER COUNCIL'S CORRESPONDENCE DATED 2 AUGUST 2010	19/11/10	DT		

**de angelis taylor & associates**

88 bathurst street liverpool nsw 2170 australia  
 po box 56 liverpool bc nsw 1871 e: admin@dia.net.au  
 t: 61 2 9601 1011 f: 61 2 9621 2213 w: www.dia.net.au

**KYLMILL PTY LTD**

**PROPOSED RESIDENTIAL UNITS**

Address: 31-33 OCEAN PARADE & 11-13 BAYVIEW AVENUE THE ENTRANCE NSW 2261

Department: COVER SHEET

Job No: 29024  
 Drawing No: DA01

Scale: As shown @ A1  
 Date: 16/11/10  
 No. of sheets: 1 of 18  
 Author: B



OCEAN PARADE STREET FRONTAGE



BAYVIEW AVENUE STREET FRONTAGE

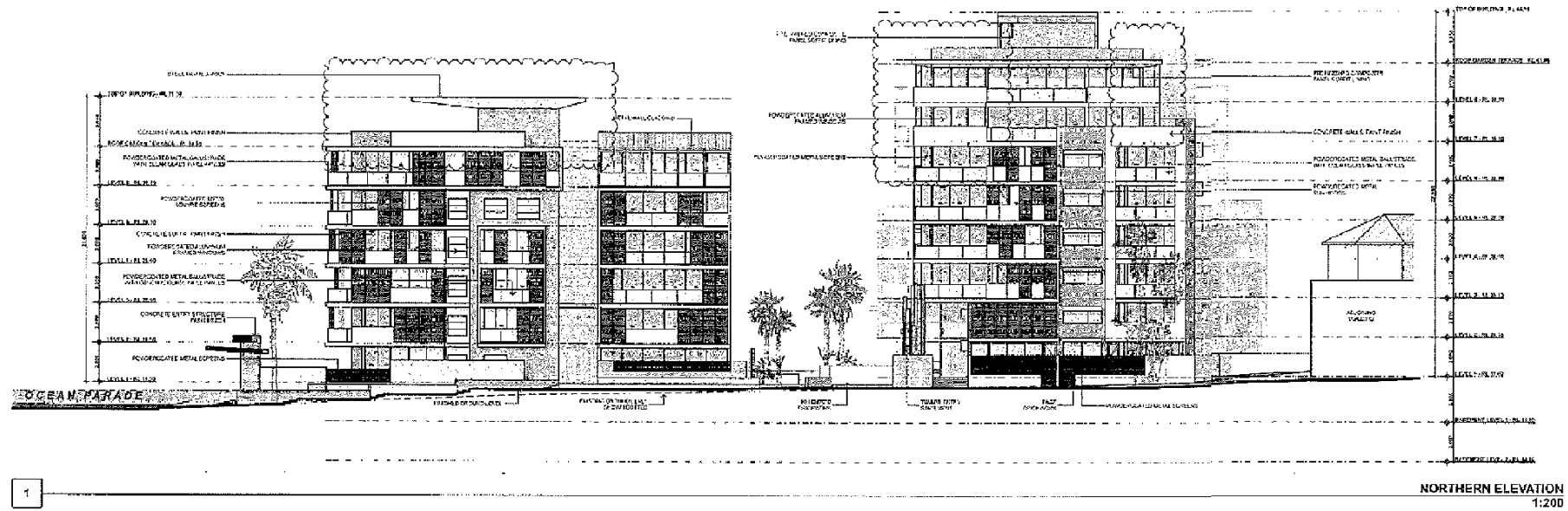
**de angelis taylor - associates**  
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 PO Box 48, Westport NSW 1571 | Sydney NSW Australia  
 T: +61 2 9437 1211 F: +61 2 9521 2213 W: www.dta.net.au

**KYLMILL PTY LTD**

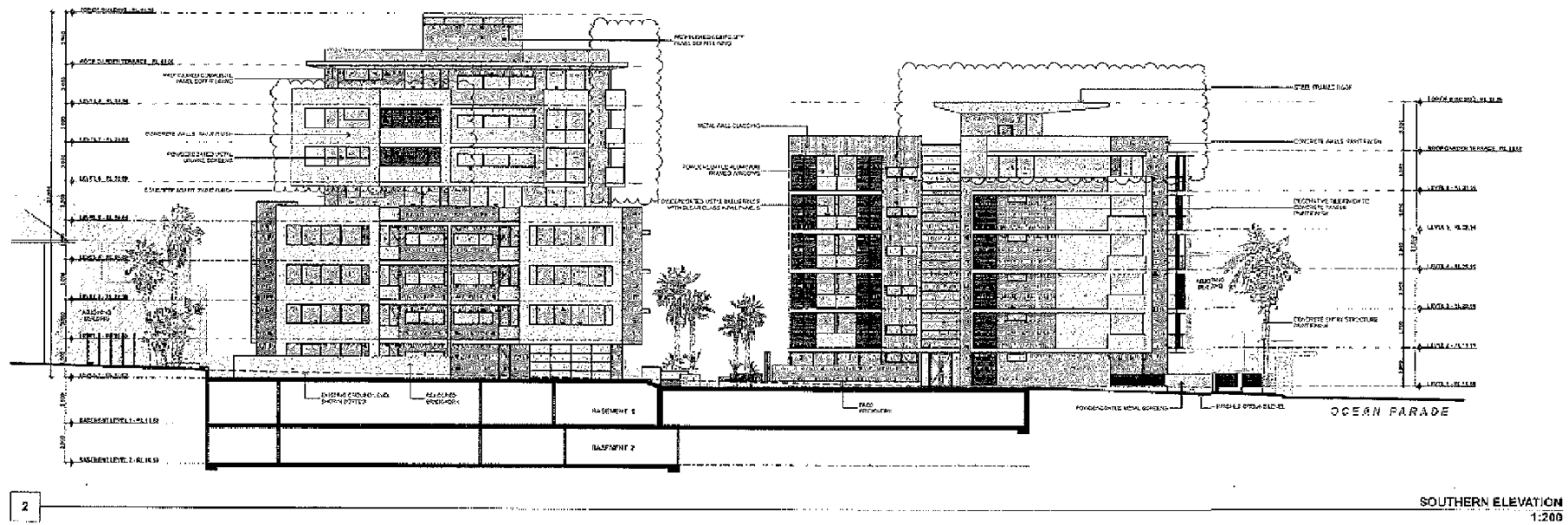
**PROPOSED RESIDENTIAL UNITS**  
 21-33 OCEAN PARADE & 11-13 BAYVIEW AVENUE  
 ENTRANCE NSW 2261

**SITE ANALYSIS**

Scale	Date	Phase	No. of Units	Sheet
1:1000	10/11/11	01	29024	DA02
Author	Checked	Drawn	Reviewed	Approved
				15



1



2

**BASIC REQUIREMENTS**  
 Refer to architectural code of best practice for all construction work.  
 - All external walls to be finished with a minimum of 100mm of concrete or masonry.  
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<p>1. DO NOT SCALE FROM DIMENSIONS IF MEASUREMENTS ARE GIVEN.                  2. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.                  3. IF SET OF DIMENSIONS IS GIVEN BY THE ARCHITECT, THE ENGINEER HAS NOT VERIFIED THE DIMENSIONS AND THEREFORE ASSUMES RESPONSIBILITY FOR THE DIMENSIONS.                  4. THE ENGINEER'S LIABILITY IS LIMITED TO THE DIMENSIONS AND THEREFORE ASSUMES RESPONSIBILITY FOR THE DIMENSIONS.                  5. THE ENGINEER'S LIABILITY IS LIMITED TO THE DIMENSIONS AND THEREFORE ASSUMES RESPONSIBILITY FOR THE DIMENSIONS.</p>	<p>Issue Amendment                  A DEVELOPMENT APPLICATION                  B AMENDMENTS AS PER COUNCIL'S COMMENT ON 24/01/2011</p>	<p>Date Drawn                  4/11/10 DT                  16/11/10 DT</p>	<p>Project Name                  de angelis taylor + associates                  88 ballhurst street liverpool nsw 2170 australia                  po box 48 liverpool bc nsw 1871 e: admin@dtl.nsw.au                  t: 61 2 9601 1011 f: 61 2 9821 2213 w: www.dta.nsw.au</p>	<p>Client                  KYLMILL PTY LTD</p>	<p>Project                  PROPOSED RESIDENTIAL UNITS                  31-33 OCEAN PARADE &amp; 11-13 BAYVIEW AVENUE THE                  ENTRANCE NSW 2281</p>	<p>Drawn Name                  ELEVATIONS</p>	<p>Job No.                  29024</p>	<p>Drawn No.                  DA16</p>
	<p>Copyright © 2010 DE ANGELIS TAYLOR + ASSOCIATES PTY LTD</p>	<p>Scale                  As shown @ A1</p>	<p>Date                  16/11/10</p>	<p>Drawn                  DT</p>	<p>No. of sheets                  16 of 18</p>	<p>Approval                  B</p>		



# The Art House

WYONG SHIRE PERFORMING ARTS AND CONFERENCE CENTRE

Logo Design Competition  
Recommended Winning and Runner Up Entries





Recommended Winning Entry -  
Original Logo



Possible variations:

the  
**Art**  
house

This logo variation features the word 'the' in a blue, sans-serif font at the top. Below it, 'Art' is written in a large, black, cursive script font. At the bottom, 'house' is written in a blue, bold, sans-serif font.

the  
**Art**house

This logo variation features the word 'the' in a blue, sans-serif font at the top. Below it, 'Art' is written in a large, black, cursive script font. The word 'house' is written in a blue, bold, sans-serif font, positioned to the right of 'Art' and partially overlapping its end.

the  
**Art**house  
WYONG SHIRE PERFORMING ARTS & CONFERENCE CENTRE

This logo variation features the word 'the' in a blue, sans-serif font at the top. Below it, 'Art' is written in a large, black, cursive script font. The word 'house' is written in a blue, bold, sans-serif font, positioned to the right of 'Art' and partially overlapping its end. Below the main text, the full name 'WYONG SHIRE PERFORMING ARTS & CONFERENCE CENTRE' is written in a small, blue, sans-serif font.

## Possible Colour Variations:

Colour variations could also be considered for sub-branding purposes



## Possible Colour Variations - Negative:

Colour variations could also be considered for sub-branding purposes



Letterhead -  
The Art House



# Letterhead - The Art House & Wyong Shire Council



## Business Cards:



### Adaptations:

Adaptation can be made to suit individual campaigns. The 'A' element emphasises the branding even without the logo being present.





## Adaptations:

The 'A' element can feature heavily in a design .



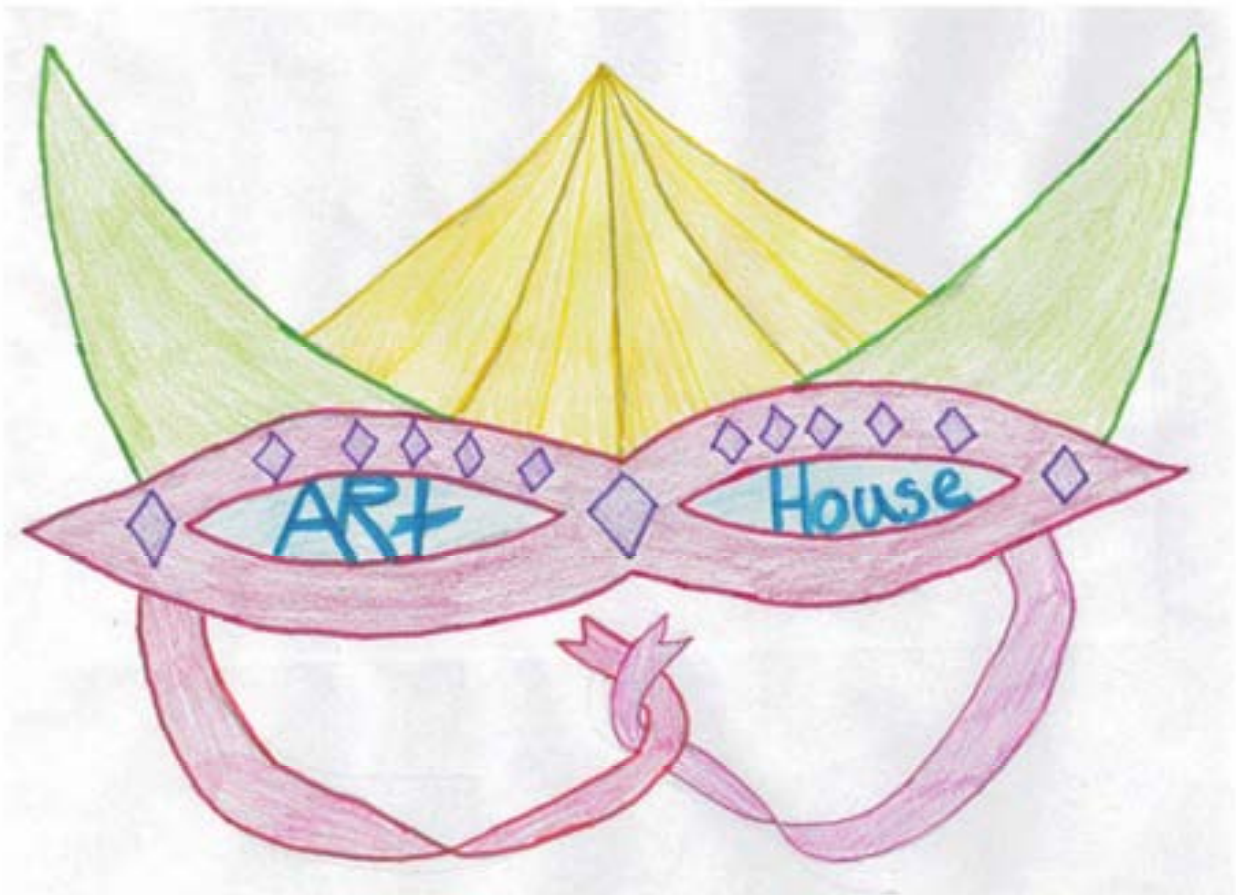
Recommended Runner-Up 1 -  
Original Logo



**ARTHOUSE**

# Recommended Runner-Up 2

## Children's' Award



Agenda Report**User Instructions**

If necessary to view the original Agenda Item, double-click on 'Agenda Report' blue hyperlink above.

**Resolved Items Action Statement**

Action is required for the following item as per the Council Resolution.

---

## NOTICE OF COUNCIL RESOLUTION

### COUNCIL MEETING – 02/11/2010

**TITLE**            **ALTERNATE WASTE TECHNOLOGY AND COMPOSTING FACILITY AT Woy Woy Waste Management Facility - Tender Determination (IR 8551486)**

Directorate:        City Services  
Business Unit:     Waste and Emergency Services

*This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.*

MOVED (Latella/Freewater) that the recommendation of the Director - City Services be adopted subject to the amendment of Part D as follows:

- D    A further report being presented to Council reviewing the remaining life of the Woy Woy Landfill and Council's future waste management options, ***including further discussions with Wyong Shire Council.***

On being put to the meeting the MOTION WAS CARRIED with the following votes being recorded:

For the Motion:        Councillors Maher, Doyle, Freewater, Holstein, Houston, Latella, Macfadyen, Scott and Strickson.

**RESOLVED** that:

- A    Council note the advice from Wyong Shire Council that they do not wish to participate in the proposed Alternate Waste Technology Facility (AWT) and Composting Facility at the Woy Woy Waste Management facility.
- B    Council in accordance with Regulation 178(1)(b) of the Local Government (General) Regulation 2005 decline to accept any of the tenders for the Composting Facility and AWT at the Woy Woy Waste Management Facility as the project is not financially viable without Wyong Shire Council's participation.
- C    Council in accordance with regulation 178(3)(a) cancel the proposal for the contract for the Alternate Waste Technology Facility (AWT) and Composting Facility at the Woy Woy Waste Management facility.
- D    A further report being presented to Council reviewing the remaining life of the Woy Woy Landfill and Council's future waste management options, ***including further discussions with Wyong Shire Council.***

**TITLE           ALTERNATE WASTE TECHNOLOGY AND COMPOSTING FACILITY AT  
WOY WOY WASTE MANAGEMENT FACILITY - TENDER  
DETERMINATION (IR 8551486)**

Directorate:     City Services  
Business Unit:  Waste and Emergency Services

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## **BACKGROUND**

Council at its meeting of 5 October 2010 considered a report on the Tender Evaluation for proposed Alternate Waste Technology Facility (AWT) and Composting Facility at the Woy Woy Waste Management facility. This report is attached for Council's information.

After considering the report Council resolved that:

- A    The information be noted.
- B    Council continue to negotiate with Wyong Shire Council in accordance with the broad principles set out in the report for the processing of Wyong's Municipal Solid Waste (MSW) at the proposed Woy Woy AWT facility.
- C    A further report being presented to Council to formally determine the outcome of the Invited Tender for the Composting and Alternate Waste Technology Facility and the outcome of the negotiations with Wyong Shire Council.

This report advises Council of the outcome of the negotiations with Wyong Shire Council.

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## **REPORT**

In accordance with Council's resolution a meeting was held on 1 October 2010 with Wyong's General Manager and key staff to discuss Wyong Shire Council's participation in the Woy Woy AWT project. Wyong Council through a consultant have undertaken a study of potential future uses for their Buttonderry Landfill site and financial analysis of a number of scenarios including the option of transferring their municipal solid waste (MSW) to the proposed Woy Woy AWT facility. At the meeting Wyong's General Manager advised Council that Wyong is supportive of a regional approach to waste management however their financial analysis disclosed that the Woy Woy AWT project option provided insufficient economic benefit for Wyong Council. Wyong Council have formally advised Council of their decision not to participate in the Woy Woy AWT project by letter dated 18 October 2010. A copy of the letter from Wyong Council is attached for Council's information.

In the previous report of 5 October 2010 Council was advised that financial analysis of the tendered gate rates for the processing of Gosford's MSW in the AWT in comparison to the current and projected landfill gate rates indicated that the project is only viable with the inclusion of the Wyong Council MSW.

Given Wyong Council's decision it is recommended that Council in accordance with Regulation 178 (1)(b) of the Local Government (General) Regulation 2005 decline to accept any of the tenders and in accordance with regulation 178 (3)(a) that Council cancel the proposal for the contract.

A further report will be submitted to Council reviewing the remaining life of the Woy Woy Landfill and future waste management options. Council will note that the Woy Woy landfill currently has an estimated life extending to 2032.

**Attachments:** Attachment A - Council Report 5 October 2010 (IR 8551486)  
Attachment B - Letter Wyong Council 18 October 2010 (IR 8551486)

**Tabled Items:** Nil

#### **FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

#### **RECOMMENDATION**

- A Council note the advice from Wyong Shire Council that they do not wish to participate in the proposed Alternate Waste Technology Facility (AWT) and Composting Facility at the Woy Woy Waste Management facility.
- B Council in accordance with Regulation 178(1)(b) of the Local Government (General) Regulation 2005 decline to accept any of the tenders for the Composting Facility and AWT at the Woy Woy Waste Management Facility as the project is not financially viable without Wyong Shire Council's participation.
- C Council in accordance with regulation 178(3)(a) cancel the proposal for the contract for the Alternate Waste Technology Facility (AWT) and Composting Facility at the Woy Woy Waste Management facility.
- D A further report being presented to Council reviewing the remaining life of the Woy Woy Landfill and Council's future waste management options.

## ATTACHMENT A

**TITLE           ALTERNATE WASTE TECHNOLOGY AND COMPOSTING FACILITY AT WOY  
WOY WASTE MANAGEMENT FACILITY - TENDER EVALUATION (IR8551486)**

Directorate:     City Services

Business Unit:  Waste and Emergency Services

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**BACKGROUND**

This item was considered at the Strategy/Policy Workshop held on 21 September 2010.

Council at its meeting of 25 August 2009 considered a report on the Expressions of Interest received for the proposed Alternate Waste Technology Facility (AWT) and Composting Facility at the Woy Woy Waste Management facility.

After considering the report, Council resolved in part that:

- A    Council develop documentation for a Tender based on the Department of Planning - Project Approval - Woy Woy Alternate Technology and Composting Facilities.
- B    Council call for Tenders to provide a waste disposal operation in accordance with the Tender documentation, to the following companies:
- Global Renewables
  - Remondis
  - SITA Environmental Solutions
  - Wilson Waste Management, Biomass Solutions
- C    A further report be presented to Council on the outcomes of the Tender.

The report discusses Council's future direction in relation to this project.

The following Councillors were present for this item:

Councillor, Holstein, Doyle, Burke, Freewater, Latella, Maher and Macfadyen.

**REPORT**

At the close of the tenders, two fully conforming and unqualified tenders were received from:

- Remondis
- SITA Environmental Solutions

**Future Direction**

The current Project Approval (Ministers Consent) and Tender provides for a maximum of 70,000 tonnes pa of Municipal Solid Waste (MSW) to be processed in the AWT facility and a further 30,000 tonnes pa of green waste plus 15,000 tonnes pa of biosolids to be processed in the composting facility. Therefore the site has approval for a total waste processing capacity of 115,000 tonnes pa.

Financial analysis of the tendered gate rates for the processing of the municipal solid waste (MSW) in the AWT in comparison to the current and projected landfill gate rates indicates that the project is only viable with the inclusion of the Wyong Council MSW. The issue for Wyong Council is that under the tendered scenarios the maximum quantity of Wyong MSW that can be processed is 30,000 tonnes pa. Wyong is currently generating this level of MSW and therefore the growth in

MSW tonnes over the 15 year term of the contract would require disposal to landfill. Therefore the tendered scenarios only provide a part solution for Wyong's MSW. In addition to the AWT gate rate, Wyong Council will be required to pay the additional costs for the establishment and operation of a transfer facility, the transportation of their MSW from the Buttonderry Landfill to the Woy Woy AWT and also for the back hauling of their portion of the residual wastes from the AWT process for disposal at the Buttonderry Landfill. This represents an additional cost for Wyong Shire Council.

Therefore consideration is being given to an alternate proposal to utilise the full 115,000 tonne/pa capacity of the Project Approval (Ministers Consent) at the proposed Woy Woy facility for the processing of MSW only. This would allow sufficient capacity to process 100% of Gosford and Wyong MSW.

If Council was to commit the full capacity of the Woy Woy site for the processing of Gosford and Wyong MSW, Gosford Council would be seeking a separate solution for the treatment of our green waste and biosolids. Preliminary discussions have been held with officers at Wyong Council to determine the possibility of a regional facility being established at Buttonderry Landfill at the expiry of their current green waste processing contract in 2015. The discussions have indicated that this could be considered. It is recognised that Wyong Council would need to establish an expanded facility on a new location within the Buttonderry site and would incur the associated development costs.

The above proposals therefore potentially provide regional solutions for Gosford and Wyong's MSW, green waste and biosolids.

**Attachments:** Nil.

**Tabled Items:** Nil.

#### **FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

#### **RECOMMENDATION**

- A The information be noted.
- B Council continue to negotiate with Wyong Shire in accordance with the broad principles set out in the report for the processing of Wyong's Municipal Solid Waste (MSW) at the proposed Woy Woy AWT facility.
- C A further report presented to Council to formally determine the outcome of the Invited Tender for the Composting and Alternate Waste Technology Facility and the outcome of the negotiations with Wyong Shire Council.



## ATTACHMENT B



M Whittaker  
F2008/01275

18 October 2010

Mr Peter Wilson  
General Manager  
Gosford City Council  
PO Box 21  
GOSFORD NSW 2250

Dear Peter,

**Proposed Alternative Waste Technology Facility (AWT) – Woy Woy Waste Management Facility**

Thank you for inviting Wyong Shire Council to participate in the AWT proposed for Woy Woy Waste Management Facility and to utilise excess capacity at this facility for domestic waste generated by Wyong residents.

Based upon the financial data provided by Gosford City Council there are insufficient economic benefits for Wyong Shire Council to participate in the proposed AWT at Woy Woy. In addition, Wyong Shire Council has been undertaking a strategic analysis of its Waste Management Facility at Guttery and preliminary findings show that the establishment of an Alternative Waste Treatment facility at this location would be significantly more advantageous to Wyong Shire Council.

I would like to propose that Gosford City Council and Wyong Shire Council investigate further the possibility of jointly developing and managing our waste management facilities/services with the aim of providing more effective and efficient outcomes for the Central Coast Community.

If you have any questions regarding this proposal please do not hesitate to call me on 4350 5200.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Whittaker".

Michael Whittaker  
GENERAL MANAGER



Agenda Report

**User Instructions**

If necessary to view the original Agenda Item, double-click on 'Agenda Report' blue hyperlink above.

**Resolved Items Action Statement**

Action is required for the following item as per the Council Resolution.

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**NOTICE OF COUNCIL RESOLUTION**

**COUNCIL MEETING – 05/10/2010**

**TITLE**            **ALTERNATE WASTE TECHNOLOGY AND COMPOSTING FACILITY AT  
WOY WOY WASTE MANAGEMENT FACILITY - TENDER EVALUATION  
(IR 8551486)**

Directorate:    City Services  
Business Unit: Waste and Emergency Services

**RESOLVED** (Doyle/Strickson) that the recommendation of the Strategy Policy Workshop be adopted.

**TITLE**            **ALTERNATE WASTE TECHNOLOGY AND COMPOSTING FACILITY AT  
WOY WOY WASTE MANAGEMENT FACILITY - TENDER EVALUATION  
(IR 8551486)**

Directorate:      City Services  
Business Unit:    Waste and Emergency Services

**RESOLVED** (Doyle/Strickson) that the recommendation of the Strategy Policy Workshop be adopted.

**TITLE           ALTERNATE WASTE TECHNOLOGY AND COMPOSTING FACILITY AT  
WOY WOY WASTE MANAGEMENT FACILITY - TENDER EVALUATION  
(IR8551486)**

Directorate:     City Services  
Business Unit:  Waste and Emergency Services

---

## **BACKGROUND**

This item was considered at the Strategy/Policy Workshop held on 21 September 2010.

Council at its meeting of 25 August 2009 considered a report on the Expressions of Interest received for the proposed Alternate Waste Technology Facility (AWT) and Composting Facility at the Woy Woy Waste Management facility.

After considering the report, Council resolved in part that:

- A    Council develop documentation for a Tender based on the Department of Planning - Project Approval - Woy Woy Alternate Technology and Composting Facilities.
- B    Council call for Tenders to provide a waste disposal operation in accordance with the Tender documentation, to the following companies:
- Global Renewables
  - Remondis
  - SITA Environmental Solutions
  - Wilson Waste Management, Biomass Solutions

- C    A further report be presented to Council on the outcomes of the Tender.

The report discusses Council's future direction in relation to this project.

The following Councillors were present for this item:

Councillor, Holstein, Doyle, Burke, Freewater, Latella, Maher and Macfadyen.

## **REPORT**

At the close of the tenders, two fully conforming and unqualified tenders were received from:

- Remondis
- SITA Environmental Solutions

### **Future Direction**

The current Project Approval (Ministers Consent) and Tender provides for a maximum of 70,000 tonnes pa of Municipal Solid Waste (MSW) to be processed in the AWT facility and a further 30,000 tonnes pa of green waste plus 15,000 tonnes pa of biosolids to be processed in the composting facility. Therefore the site has approval for a total waste processing capacity of 115,000 tonnes pa.

Financial analysis of the tendered gate rates for the processing of the municipal solid waste (MSW) in the AWT in comparison to the current and projected landfill gate rates indicates that the project is only viable with the inclusion of the Wyong Council MSW. The issue for Wyong Council is that under the tendered scenarios the maximum quantity of Wyong MSW that can be processed is

30,000 tonnes pa. Wyong is currently generating this level of MSW and therefore the growth in MSW tonnes over the 15 year term of the contract would require disposal to landfill. Therefore the tendered scenarios only provide a part solution for Wyong's MSW. In addition to the AWT gate rate, Wyong Council will be required to pay the additional costs for the establishment and operation of a transfer facility, the transportation of their MSW from the Buttonderry Landfill to the Woy Woy AWT and also for the back hauling of their portion of the residual wastes from the AWT process for disposal at the Buttonderry Landfill. This represents an additional cost for Wyong Shire Council.

Therefore consideration is being given to an alternate proposal to utilise the full 115,000 tonne/pa capacity of the Project Approval (Ministers Consent) at the proposed Woy Woy facility for the processing of MSW only. This would allow sufficient capacity to process 100% of Gosford and Wyong MSW.

If Council was to commit the full capacity of the Woy Woy site for the processing of Gosford and Wyong MSW, Gosford Council would be seeking a separate solution for the treatment of our green waste and biosolids. Preliminary discussions have been held with officers at Wyong Council to determine the possibility of a regional facility being established at Buttonderry Landfill at the expiry of their current green waste processing contract in 2015. The discussions have indicated that this could be considered. It is recognised that Wyong Council would need to establish an expanded facility on a new location within the Buttonderry site and would incur the associated development costs.

The above proposals therefore potentially provide regional solutions for Gosford and Wyong's MSW, green waste and biosolids.

**Attachments:** Nil.

**Tabled Items:** Nil.

#### **FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

#### **RECOMMENDATION**

- A The information be noted.
- B Council continue to negotiate with Wyong Shire in accordance with the broad principles set out in the report for the processing of Wyong's Municipal Solid Waste (MSW) at the proposed Woy Woy AWT facility.
- C A further report presented to Council to formally determine the outcome of the Invited Tender for the Composting and Alternate Waste Technology Facility and the outcome of the negotiations with Wyong Shire Council.

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**TITLE           ALTERNATE WASTE TECHNOLOGY AND COMPOSTING FACILITY AT  
WOY WOY WASTE MANAGEMENT FACILITY - TENDER EVALUATION  
(IR 8551486)**

Directorate:     City Services  
Business Unit:  Waste and Emergency Services

---

## **BACKGROUND**

Council at its meeting of 25 August 2009 considered a report on the Expressions of Interest received for the proposed Alternate Waste Technology Facility (AWT) and Composting Facility at the Woy Woy Waste Management facility.

After considering the report, Council resolved in part that:

- A    Council develop documentation for a Tender based on the Department of Planning - Project Approval - Woy Woy Alternate Technology and Composting Facilities.
- B    Council call for Tenders to provide a waste disposal operation in accordance with the Tender documentation, to the following companies:
  - Global Renewables
  - Remondis
  - SITA Environmental Solutions
  - Wilson Waste Management, Biomass Solutions
- C    A further report be presented to Council on the outcomes of the Tender.

This report provides Council with the Tender Assessment Panel's findings and recommendations for the Tender for the proposed Composting Facility and Alternate Waste Technology (AWT).

The report further discusses Council's future direction in relation to this project.

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## **REPORT**

Attached and marked Attachment is the Tender Assessment Report prepared by Council's consultant Wright Corporate Strategy.

The following is a summary of key findings of the Tender Assessment Panel for the scenarios where Council receives municipal waste from Wyong Shire Council:

- 1    The Tender Assessment Panel is of the unanimous view that the tender submitted by SITA Environmental Solutions is the superior of the two conforming tenders. Further, SITA Environmental Solutions has the better track record with waste processing facilities, products and markets of the type that are relevant to, and the basis of, this tender.
- 2    Thus the Tender Assessment Panel is of the unanimous view that the conforming tender submitted by SITA Environmental Solutions is the preferred tender.

- 3 The Tender Panel is also of the unanimous view that the two non-conforming tenders submitted by SITA Environmental Solutions are financially more attractive to Council than the conforming tender submitted by SITA Environmental Solutions.

The following is a summary of key findings of the Tender Assessment Panel for the scenarios where municipal waste from Wyong Shire Council is excluded:

- 1 Analysis of the tenders indicated that in the event that Wyong Shire Council does not proceed to participate in the project, the conforming tender submitted by Remondis Australia is slightly superior (on overall assessment criteria) to the conforming tender submitted by SITA Environmental Solutions. Moreover, on assessment of price alone, the price spread between Remondis and SITA significantly favours Remondis in preference to SITA. However, with the benefits offered by SITA in its non-conforming tender submissions, the SITA *non-conforming* price is superior to that of the *conforming* tender of Remondis.
- 2 The Tender Assessment Panel recommends that SITA Environmental Solutions is the preferred tenderer from this tender process in the event where Wyong Council does not proceed to participate in the project. This is based on the advantages offered by SITA in their non-conforming tender submissions.

#### Future Direction

The current Project Approval (Ministers Consent) and Tender provides for a maximum of 70,000 tonnes pa of MSW to be processed in the AWT facility and a further 30,000 tonnes pa of green waste plus 15,000 tonnes pa of biosolids to be processed in the composting facility. Therefore the site has approval for a total waste processing capacity of 115,000 tonnes pa.

Financial analysis of the tendered gate rates for the processing of the municipal solid waste (MSW) in the AWT in comparison to the current and projected landfill gate rates indicates that the project is only viable with the inclusion of the Wyong Council MSW. The issue for Wyong Council is that under the tendered scenarios the maximum quantity of Wyong MSW that can be processed is 30,000 tonnes pa. Wyong is currently generating this level of MSW and therefore the growth in MSW tonnes over the 15 year term of the contract would require disposal to landfill. Therefore the tendered scenarios only provide a part solution for Wyong's MSW. In addition to the AWT gate rate, Wyong Council will be required to pay the additional costs for the establishment and operation of a transfer facility, the transportation of their MSW from the Buttonderry Landfill to the Woy Woy AWT and also for the back hauling of their portion of the residual wastes from the AWT process for disposal at the Buttonderry Landfill. This represents an additional cost for Wyong council that could be in the order of \$40 per tonne of MSW input into the Woy Woy AWT facility.

Therefore consideration is being given to an alternate proposal to utilise the full 115,000 tonne/pa capacity of the Project Approval (Ministers Consent) at the proposed Woy Woy facility for the processing of MSW only. This would allow sufficient capacity to process 100% of Gosford and Wyong MSW and also street litter waste for a period of up to 20 years and still leave capacity for the operator to privately source suitable commercial waste as provided for in the EOI and Tender.

To proceed in this direction Council would need to resolve not to accept any tender and further resolve to negotiate with one or both tenderers on the scenario as described above. It is anticipated that the negotiations should result in an improved gate rate in comparison to the tendered gate rate for Scenario 1(b) which is for the Gosford and Wyong MSW only up to a maximum capacity of 70,000 tonnes pa.

If Council was to commit the full capacity of the Woy Woy site for the processing of Gosford and Wyong MSW, Gosford Council would be seeking a separate solution for the treatment of our green waste and biosolids. Preliminary discussions have been held with officers at Wyong Council to

determine the possibility of a regional facility being established at Buttonderry Landfill at the expiry of their current green waste processing contract in 2015. The discussions have indicated that this could be considered. It is recognised that Wyong Council would need to establish an expanded facility on a new location within the Buttonderry site and would incur the associated development costs.

The above proposals therefore potentially provide regional solutions for Gosford and Wyong's MSW, green waste and biosolids and could operate under the following principles:

- 1 Tendered gate rates for each facility will be available to each Council without any surcharge being applied.
- 2 Gosford Council meeting the site development costs for the Woy Woy AWT facility and Wyong Council would meet the costs for the development of the Buttonderry composting facility.
- 3 Each council meeting its own transfer and transportation costs for delivery of the materials to the respective facilities.
- 4 Wyong Council disposing of its residual MSW material at its own facility. The gate rate at the Gosford AWT would be adjusted accordingly as the tendered gate rate includes disposal at the Woy Woy Landfill.
- 5 In relation to the Gosford green waste it is envisaged that any contamination would be removed and the material shredded at the Woy Woy Waste Management Facility prior to transport to the Buttonderry site.
- 6 Gosford Council entering into a contract (potentially 20 years) with an AWT operator and Gosford Council then entering into a corresponding contract with Wyong Council for the receipt of their MSW with Gosford Council providing full disclosure of all tender documents and contracts.
- 7 Wyong Council entering into a contract(s) for the operation of a composting facility in 2015 and Wyong Council then entering into a corresponding contract with Gosford Council for the receipt of green waste and biosolids with Wyong Council providing full disclosure of all tender documents and contracts.

**Attachments:** Tender Assessment Report

**Tabled Items:** Nil

#### **FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

#### **RECOMMENDATION**

- A The information be noted.
- B Council continue to negotiate with Wyong Shire in accordance with the broad principles set out in the report for the processing of Wyong's Municipal Solid Waste (MSW) at the proposed Woy Woy AWT facility.



- C A further report to presented to Council to formally determine the outcome of the Invited Tender for the Composting and Alternate Waste Technology Facility and the outcome of the negotiations with Wyong Shire Council.

ATTACHMENT



**INVITED TENDER**

COMPOSTING FACILITY AND AWT AT WOY WOY WASTE MANAGEMENT FACILITY

**TENDER ASSESSMENT REPORT  
September 2010**

**Contact Officer:**

Mr. Robin Benson, Manager Waste and Emergency Services  
Gosford City Council  
49 Mann Street, GOSFORD, NSW, 2250  
Tel: 02-4325-8363 Email: [Robin.Benson@gosford.nsw.gov.au](mailto:Robin.Benson@gosford.nsw.gov.au)

**Assessment Report prepared by:  
Wright Corporate Strategy**

### **Executive Summary**

This report provides Council with the Tender Assessment Panels findings and recommendations for the tender for the proposed Composting Facility and Alternate Waste Technology (AWT) to be located at the Woy Woy Waste Management facility.

### **Findings and Recommendations**

Council determined to procure a waste treatment facility that would receive and process municipal waste, garden waste and biosolids, manufacture beneficial products for sale into markets, and deliver a stabilised residual waste to the Woy Woy Landfill. A build, own, operate and transfer (BOOT) procurement arrangement was adopted, with the facility being owned and operated by the commercial sector on land leased from Council. A two-stage procurement process was adopted, commencing with a public call for Expressions of Interest, followed by an Invited Tender.

Following the call for Expressions of Interest Council resolved that four companies be invited to proceed to the tender stage:

- Global Renewables,
- Remondis Australia,
- SITA Environmental Solutions, and
- Wilson Waste Management, Biomass Solutions.

Invited tenderers were requested to make submissions covering various combinations with and without the inclusion of Wyong Shire Council and with and without garden waste and biosolids.

The tenderers were required to tender on the following options:

Scenario 1(a) Gosford and Wyong Municipal Solid Waste (MSW) plus Gosford green waste and biosolids.

Scenario 1 (b) Gosford and Wyong MSW only. No green waste and biosolids.

Scenario 2(a) Gosford MSW plus Gosford green waste and biosolids.

Scenario 2(b) Gosford MSW only. No green waste and biosolids.

At the close of the tender period, fully conforming and unqualified tenders were received, from:

- Remondis Australia, and
- SITA Environmental Solutions.

In addition, SITA Environmental Solutions offered two *non-conforming* alternative tenders.

The technologies proposed by both tenderers are robust, well proven in Australia and overseas, and present little risk in relation to operations.

The analysis of the tenders indicates that the inclusion of Wyong Shire Council in the project represents the preferable scenarios for Council rather than the scenarios of Gosford proceeding alone. The following is a summary of the finding of the Tender Assessment Panel for the scenarios where Council receives waste from Wyong Council:

1. The Tender Assessment Panel is of the unanimous view that the tender submitted by SITA Environmental Solutions is the superior of the two conforming tenders. Further, SITA Environmental Solutions has the better track record with waste processing facilities, products and markets of the type that are relevant to, and the basis of, this tender.
2. Thus the Tender Assessment Panel is of the unanimous view that the conforming tender submitted by SITA Environmental Solutions is the preferred tender.
3. The Tender Panel is also of the unanimous view that the two non-conforming tenders submitted by SITA Environmental Solutions are financially more attractive to Council than the conforming tender submitted by SITA Environmental Solutions.

Analysis of Tenders where Wyong Council waste is excluded.

1. Analysis of the tenders indicates that in the event that Wyong Shire Council does not proceed to participate in the project, the conforming tender submitted by Remondis Australia is slightly superior (on overall assessment criteria) to the conforming tender submitted by SITA Environmental Solutions. Moreover, on assessment of price alone, the price spread between Remondis and SITA significantly favours Remondis in preference to SITA. However, with the benefits offered by SITA in its non-conforming tender submissions, the SITA *non-conforming* price is superior to that of the *conforming* tender of Remondis.
2. The Tender Assessment Panel recommends that SITA Environmental Solutions is the Preferred Tenderer from this tender process in the event where Wyong Council does not

proceed to participate in the project. This is based on the advantages offered by SITA in their non-conforming tender submissions.

## **Introduction**

### ***The Project***

In a move to maximise available landfill space and defer to the maximum extent the need to acquire new landfill capacity, Council determined to procure waste treatment technologies that will reduce the community's dependence on landfill disposal as the cornerstone of future waste management practice.

To be located at the Woy Woy Waste Management Facility, the waste processing plants would potentially receive and process municipal waste, garden waste and biosolids to manufacture beneficial products for sale into markets and deliver a stabilised residual waste to the Woy Woy Landfill that would impose significantly less impacts on the environment than continued disposal of untreated municipal waste.

Council secured planning consent from the Minister for the project on 26 May 2008 and Council then resolved to proceed with an Expressions of Interest (EOI) process. Council at its meeting of 25 August 2009 considered a report of the EOI submissions and resolved to invite tenders from the four selected companies.

This assessment report presents the findings of the Tender Assessment Panel that was assembled by Council to assess the invited tenders.

### ***Waste Sources and Processing***

Increasingly waste processing is being adopted as a means of improving recovery of resources from waste streams, reducing the amount of waste sent to landfill, and reducing the biological activity of residual wastes when they are disposed in landfill.

In preparing the application for consent of the facilities at Woy Woy, Council was not specific in respect of the particular technologies that might be applied to Council wastes, preferring instead to allow market innovation to suggest most suitable technologies. However, Council was specific in respect of the waste streams that were to be processed, and obtained consent to cover processing of:

- kerbside collected mixed municipal waste up to 70,000 tonnes per annum, including possible supply of some kerbside collected mixed waste from Wyong and some contractor sourced mixed waste from the commercial sector,
- kerbside collected and self-haul drop-off garden waste up to 30,000 tonnes per annum, and
- Council generated biosolids from Council's sewage treatment works up to 15,000 tonnes per annum.

### ***Procurement Model***

Given that Council decided to leave technology recommendation to the market, a two-stage procurement methodology was adopted, a public call for Expressions of Interest (EOI), followed by an Invited Tender. In addition to suiting Council's needs, this methodology was also favoured by the market, since a wide number of interested parties could respond to the EOI at relatively low cost to each respondent, and a potentially smaller number would be required to prepare and submit detailed proposals that incur significant cost to respondents.

The procurement model was modified from the conventional build-own-operate-transfer (BOOT) arrangement. Using this model Council sought to secure the benefits that a public private partnership arrangement might deliver to Council without many of the inherent risk hedging inclusions and inflexibilities that escalate price in such procurement models.

The BOOT arrangement was selected in order for Council to secure full operator responsibility for building and operating the facilities for the full term of the contract, followed by transfer of ownership of the facility to Council at the end of the contract term. This arrangement positions Council to avail itself of a number of further operating options after the term has expired.

### ***Expressions of Interest***

Expressions of Interest were called in a public request in April 2009. The EOI process closed in May 2009 and Council resolved on 25 August 2009 that the following four companies be invited to tender:

- Global Renewables,
- Remondis Australia,
- SITA Environmental Solutions, and
- Wilson Waste Management, Biomass Solutions.

All four invitees proposed to provide fully enclosed aerobic composting systems for both the municipal mixed waste stream and the garden waste with biosolids stream. These technologies are robust and well proven in Australia and overseas and present little risk in relation to operations.

### ***Invited Tenders***

In preparing to invite tenders, Council was keen to ensure that all tenderers were positioned to submit, as a minimum, a fully conforming tender so that Council would then be positioned to consider any non-conforming tenders that might be submitted offering innovation and advantage to Council and the community over the conforming tender.

Accordingly, Council spent considerable time in close consultation with all tenderers, both individually and collectively, to develop a set of tender documents that all would accept as a basis for preparing and submitting a conforming tender. Tenders were formally invited in late 2009 with a notified closing date of March 2010. During the first phase of the tender period invitees were given a final opportunity for documentation amendment.

As a direct result of significant market uncertainty in early 2010, brought about by the indecisive position of the Department of Environment, Climate Change and Water (DECCW), the financial viability of the project was brought into question. In response to a request from tenderers, an extension of time was granted pending resolution of the issue between DECCW and the industry. Resolution was determined in April 2010, and following approval of additional requests for additional minor extensions of time the final closing date for tenders was set at 3 August 2010.

Early in the term of the extended tender period one invitee – Wilson Waste Management, Biomass Solutions – formally notified Council that they would be declining Council's invitation to tender, owing to persisting uncertain market conditions. Late in the term of the extended tender period a second invitee – Global Renewables – advised Council that they would be unlikely to submit a tender, but would not commit until the due date for close of tenders.

At the close of tenders, two fully conforming and unqualified tenders were received from:

- Remondis Australia, and
- SITA Environmental Solutions.

In addition, SITA Environmental Solutions offered two non-conforming alternative tenders.

### ***Tender Assessment Plan and Methodology***

The following section provides the detailed report from the Tender Assessment Panel.

This Tender Assessment Report is accompanied by a separate document titled *Tender Assessment Plan* that sets out the methodology and process adopted by the Tender Assessment Panel in the assessment of tenders.

The Tender Assessment panel comprised:

- Robin Benson – Gosford City Council (Chair)
- Sanchaya Parajuli – Gosford City Council
- Paul Howlett – Wright Corporate Strategy
- Tony Wright – Wright Corporate Strategy

In addition to the assessments of the four panel members, independent assessment advice relating to financial matters of each tender was sought from:

- Corporate Scorecard Pty Ltd – Financial Capacity of tenderers, and
- Treasury Risk Solutions Pty Ltd – Financial Sustainability of the financial models on which tenders were based.

Council also appointed Mr. Bill Rock of RiskReward Pty Ltd as probity advisor for the tender process.

Tender assessment included:

- a detailed review and assessment of each tender submission by the Tender Assessment Panel members, on an individual basis,
- a visit to one NSW operating site nominated by each tenderer as a reference facility to demonstrate aspects relating to their tender,
- a face-to-face interview with each tenderer between representatives of the tenderer and the Tender Assessment Panel,
- an independent assessment of the financial capacity of each tenderer to finance the project – expressed by way of a financial rating from an accredited private ratings provider,
- an independent assessment of the adequacy and robustness of the financial model used by each tenderer as the basis of their tender, and
- the collation of individual assessment by the Tender Assessment Panel members plus the two independent financial assessment to assemble a single assessment of each tender.

The outcomes from assessment of the tenders follows.



### **Assessment Outcome**

The Tender Assessment Panel assessed the conforming tenders from each of the two tenderers. The tenders were assessed against the following weighted tender assessment criteria:

<b>Assessment Criteria</b>	<b>Weight</b>
Technology Performance	8%
Commercial Proposition – Price Related	40%
Commercial Proposition – Non Price Related	4%
Financial Capacity	7%
Financial Sustainability	11%
Project Delivery and Operation	12%
Environmental Performance	18%

### **Conforming Tenders**

The two conforming tenders were considered by the Tender Assessment Panel to be of excellent quality and adequacy, and were submitted by two highly reputable international waste management companies.

The closeness of the two tenders is further amplified by the summary scores for each tenderer against each of the assessment criteria, presented in the following tabulation which shows the following information for each conforming tender:

- the tenderer,
- the tender assessment criteria,
- the weighting applied to each criterion,
- the average weighted score of the four Tender Assessment Panel members for each tenderer against each criterion (**Av.Wt. Score**),
- the lowest weighted score assigned by any one Tender Assessment Panel member (**Lowest Wt.Score**), and
- the highest weighted score assigned by any one Tender Assessment Panel member (**Highest Wt.Score**).

Table 1 Scores - Tender Assessment Criteria - Remondis and SITA

<b>Remondis:</b>	<b>Tender Assessment Criteria</b>	<b>Weight</b>	<b>Av.Wt. Score</b>	<b>Lowest Wt.Score</b>	<b>Highest Wt.Score</b>
Criterion 1	Technology Performance	0.08	6.68	6.08	7.20
Criterion 2 (a)	Commercial Proposition – Price Related	0.40	39.32	39.32	39.32
Criterion 2 (b)	Commercial Proposition – Non Price Related	0.04	3.62	3.24	3.80
Criterion 2 (c)	Financial Capacity	0.07	7.00	7.00	7.00
Criterion 2 (d)	Financial Sustainability	0.11	7.15	7.15	7.15

Criterion 3	Project Delivery and Operation	0.12	10.02	9.60	10.46
Criterion 4	Environmental Performance	0.18	14.18	13.05	15.30
<b>Total Score</b>			<b>87.96</b>	<b>86.44</b>	<b>90.22</b>
<b>SITA:</b>					
<b>SITA:</b>	<b>Tender Assessment Criteria</b>	<b>Weight</b>	<b>Av. Wt. Score</b>	<b>Lowest Wt. Score</b>	<b>Highest Wt. Score</b>
Criterion 1	Technology Performance	0.08	7.32	7.04	7.81
Criterion 2 (a)	Commercial Proposition – Price Related	0.40	40.00	40.00	40.00
Criterion 2 (b)	Commercial Proposition – Non Price Related	0.04	3.84	3.56	4.00
Criterion 2 (c)	Financial Capacity	0.07	7.00	7.00	7.00
Criterion 2 (d)	Financial Sustainability	0.11	9.35	9.35	9.35
Criterion 3	Project Delivery and Operation	0.12	10.66	9.94	11.60
Criterion 4	Environmental Performance	0.18	16.25	15.30	17.33
<b>Total Score</b>			<b>94.42</b>	<b>92.59</b>	<b>97.04</b>

With regard to the foregoing table and the criterion Commercial Proposition – Price Related:

- in all, ten gate fees (prices) were submitted to cover the various waste streams across the four scenarios,
- the specific price used for the assessment of conforming tenders was Gosford Waste in Scenario 1(a) which involves receipt of all four waste streams – Gosford and Wyong MSW, Gosford garden waste and Gosford biosolids,
- the tenderer with the lowest price was assigned a score of 100,. And
- the other tenderer was assigned a score that was lower than 100 in direct proportion to the difference in the tendered price.

As an indication of how the two tenders compared and the consistency with which the Tender Assessment Panel members formed their views on the respective conforming tenders, the following comments on the statistics on score and price spread are provided.

- (a) **Price Spread:** In respect of the prices tendered in the conforming tenders, there was less than one percent difference between the two tenderers.
- (b) **Scoring Spread:** The spread between highest and lowest scores (high-low spread) indicates that the Tender Assessment Panel members formed very similar views on each conforming tender.

	<b>Lowest Score</b>	<b>Highest Score</b>
Remondis – high-low spread around average	-1.73%	+2.57%
SITA – high-low spread around average	-1.94%	+2.78%

- (c) **Margin Spread:** The margin spread of SITA scores relative to Remondis scores indicates that the SITA conforming tender was clear and consistently assessed by the Tender Assessment Panel to be superior to that submitted by Remondis.

	Average Score	Lowest Score	Highest Score
SITA – Remondis margin spread	+6.84%	+6.65%	+7.02%

### Wyang Participation in the Project

Tenderers were required to submit tenders for four scenarios relating to the receipt of various waste streams to the facilities. These are described below.

Two scenarios were tendered in respect of the supply of kerbside municipal mixed wastes for processing at the AWT facility:

- **Scenario 1** - Gosford waste for the full term of the Contract, commencing at 35,000 tonnes per annum and growing at nominated annual rate, plus Wyong waste for the term of the Contract at a fixed amount of 30,000 tonnes per annum; and
- **Scenario 2** - Gosford waste only for the full term of the Contract, commencing at 35,000 tonnes per annum and growing at nominated annual rate.

Two scenarios were tendered in respect of organic wastes for processing at the Composting Facility:

- **Scenario (a)** - Gosford kerbside collected green waste for the full term of the Contract, commencing at 18,000 tonnes per annum and growing at the nominated annual rate, plus approximately 7,000 tonnes per annum of self-haul green waste, plus biosolids for the full term of the Contract, at a fixed amount of 15,000 tonnes per annum; and
- **Scenario (b)** - no composting facility included in the tender and no green waste or biosolids delivered by Council.

These scenarios allow Council to determine whether (a) wastes from Wyong would be included in the project, and (b) whether there was any cost benefit in including green waste and biosolids in the project.

The spread of prices for these different scenarios from conforming tenders is shown in the following table, using the gate fee for Gosford and Wyong municipal waste only as tendered for Scenario 1(a). The first two columns indicate the price spread for the three scenarios relative to scenario 1(a), while the third column indicates the price spread of SITA over Remondis for each of the scenarios (here a negative value indicates that SITA has a lower price, while a positive value indicates that SITA has a higher price).

Scenario	Description	Gate Fee Price Spread		
		Remondis	SITA	SITA/Remondis
1 (a)	Gosford and Wyong MSW, Gosford green waste plus biosolids	n.a.	n.a.	- 2.46%
1 (b)	Gosford and Wyong MSW only, no garden waste or biosolids	+ 2.18%	+ 2.90%	- 1.74%
2 (a)	Gosford MSW only, Gosford green waste plus biosolids	+ 12.66%	+ 33.78%	+ 13.71%
2 (b)	Gosford MSW only, no garden waste or biosolids	+ 19.21%	+ 36.02%	+ 10.20%

From this analysis:

both conforming tenders are financially more attractive with Wyong participating in the project, in the event that Wyong does not proceed, the conforming tender from Remondis is financially preferable to the conforming tender of SITA on a simple gate fee basis.

### **Landfill Disposal**

The disposal of residual waste to landfill is fully priced into each tender, and therefore the level of resource recovery tendered does not present financial risk to Council. The respective resource recovery and disposal rates are as follows, with the tonnages based on Gosford's municipal waste in-feed of 35,000 tonnes per annum:

	Resource Recovery		Disposal	
	Percent	Tonnes p.a.	Percent	Tonnes p.a.
Remondis	34.0%	11,900	66.0%	23,100
SITA	60.8%	21,280	39.2%	13,720

From this analysis:

- the Remondis tender is more conservative in expected resource recovery, and therefore presents an opportunity in the event that resource recovery levels can be increased,
- the SITA tender is more aggressive in expected resource recovery, and therefore presents a possible threat if resource recovery levels cannot be maintained,
- the Remondis tender will consume considerably more landfill space at Woy Woy Landfill than the SITA tender.

Remondis confirmed during interview and site inspection that they had intentionally taken a very conservative position on resource recovery, and offered up-side share in better than tendered resource recovery.

SITA confirmed during interview and site inspection that their resource recovery expectations were in line with their current facility at Kemps Creek in western Sydney, and that they would not seek to have Council share in any down-side if tendered resource recovery rates could not be achieved.

### **Non-Conforming Tenders**

Two non-conforming tenders were submitted by SITA.

The two non-conforming tenders submitted by SITA incorporated the following fundamental divergences from the conforming tender:

- **"Indexation Tender"** – a tender that proposed that rise and fall over the term of the contract be extended to apply to the full value of the capital investment for the facilities, but not the profit margin. The conforming tender required that the capital expenditure on the facilities be excluded from the rise and fall price adjustments over the term on the contract.

This Indexation Tender resulted in a gate fee at the commencement of the contract approximately 11% lower than for the conforming tender.

- **"20-Year Term Tender"** – a tender that proposed that the term of the contract be extended to 20-years in lieu of the 15-years proposed in the conforming tender.

This 20-Year Term Tender resulted in a gate fee at the commencement of the contract approximately 15% lower than for the conforming tender.

#### **Other Offers**

In addition to the non-conforming offer, SITA suggested, without commitment, that they were in negotiations at the time tenders closed for an off-take agreement with an overseas buyer of mixed plastics.

In the conforming and non-conforming tenders SITA proposed that mixed plastics, that would normally go to landfill, would be baled and sent to Adelaide to be incorporated into a refuse derived fuel (RDF) that SITA and a partner manufacture for energy conversion at Adelaide Brighton Cement. The advantage offered in this RDF off-take arrangement is that, while the cost of off-take as a RDF would be similar to the gate fee for landfill today, the escalation of the RDF off-take arrangement will be significantly less than the known escalation that will apply to the landfill gate fee due to the S.88 Waste and Environment Levy increases scheduled between today and 2015-16.

The negotiations that SITA referred to in their tender relate to an off-take agreement under negotiation for mixed plastics from the Kemps Creek facility that SITA operates in western Sydney. In the tender, SITA included a letter from the intending purchaser stating that if a satisfactory off-take agreement can be reached on Kemps Creek material, the buyer would be prepared to extend that offer to the mixed plastics that would be produced from the Woy Woy mixed waste facility.

Without commitment, SITA indicated that if that agreement was executed at the price indicated in the letter of offer, then the Gosford MSW gate fee could be reduced by 9.49% in addition to any other offers included in the non-conforming tenders.

SITA indicated that the off-take agreement with the buyer is expected to be executed before the end of 2010 and have a term of five years.