

REPORT TO HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

TITLE DEVELOPMENT APPLICATION NO. 42576/2012 PART 1
APPLICANT: CBM SUSTAINABILITY GROUP
PROPOSED: MULTI-PURPOSE CENTRE (CENTRAL COAST GRAMMAR SCHOOL) ON LOT: 12 DP: 847114 NO 2 ARUNDEL ROAD ERINA HEIGHTS (IR12539594)
Directorate: Environment and Planning
Business Unit: Development

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.

EXECUTIVE SUMMARY

Reason for Referral to Joint Regional Planning Panel (JRPP)

Over \$5 million – Private Infrastructure and Community

Assessing Officer

R A Eyre

Reviewing By

Independent Development & Environment Panel (IDEP)
Deputy Director Environment & Planning
General Manager

Date Application Received

02/08/2012

Proposal

Multi-Purpose Centre (Central Coast Grammar School).

Zone

7(c2) Scenic Protection Rural-IDO122

Area

15080m²

Permissible Development

Development permissible on the land zoned 7(c2) Scenic Protection – Rural Small Holdings under IDO122.

Section 94 Contributions

The land zoned 7(c2) Scenic Protection – Rural Small Holdings under IDO122 is not subject to a Contribution Plan

Gosford 2025 – Community Strategic Plan

Although not a statutory Plan, the proposal is consistent with the City Vision.

Public Submissions

Nil

Pre-DA Meeting

A Pre-DA Meeting was held 7 June 2012

Political Donations

None declared.

Relevant Statutory Provisions

- 1 Environmental Planning & Assessment Act, 1979 – Sections 79C & 91
- 2 Local Government Act 1993 – Section 89
- 3 Draft Gosford LEP 2009
- 4 DCP - 159 Character
- 5 DCP - 128 Public Notification of Development Applications
- 6 DCP 163 - Geotechnical requirements
- 7 DCP 171 - Non-Residential Uses within the 7(c2) Zone
- 8 DCP 165 - Water Cycle Management
- 9 DCP 89 - Scenic Quality
- 10 DCP 111 - Car Parking
- 11 DCP 106 - Controls for Site Waste Management
- 12 SEPP (Infrastructure) 2007
- 13 SEPP 71 Coastal Protection
- 14 Rural Fires Act 1997
- 15 Protection of the Environment Operations act 1997

Key Issues

- 1 Interim Development Order No 122 (zone objectives, character
- 2 Draft Gosford LEP 2009
- 3 Sea Level Rise and Climate Change
- 4 SEPP 71 – Coastal Protection
- 5 DCP 171
- 6 Bushfire Risk / Integrated Development
- 7 Police Comments
- 8 Trees
- 9 Access and Traffic
- 10 Drainage
- 11 Water and Sewer
- 12 Roads & Maritime Services
- 13 Noise Considerations
- 14 Car Parking

Recommendation

Deferred Commencement Consent

REPORT**The Site**

The site currently contains the Central Coast Grammar School which caters for K-12 grades.

The school has an enrolment of about 1500 students and is located on the northern side of the Central Coast Highway with access from Carlton Road and Arundel Road.

That part of the school site involved in the proposal slopes from about RL30-33m AHD at the Central Coast Highway to about RL 15-20m AHD on the northern boundary.

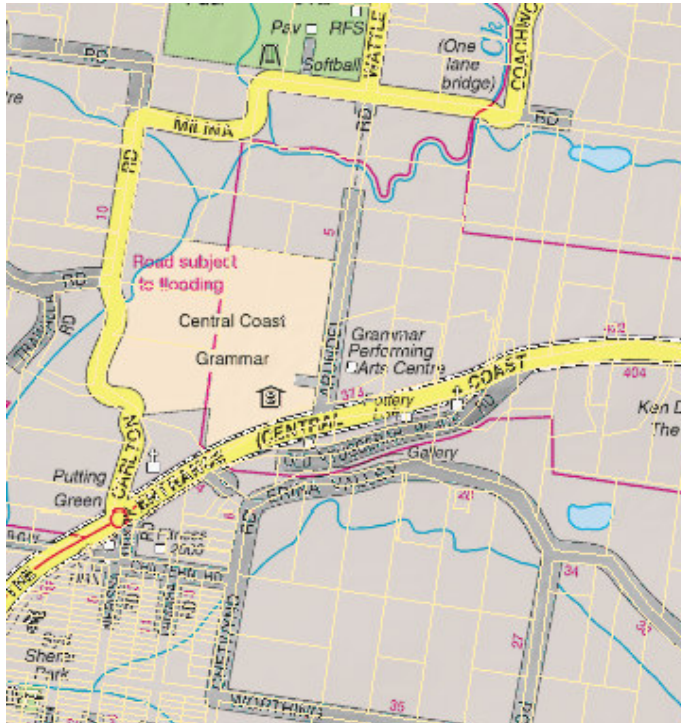
The site currently contains existing school buildings, car parking, and moderate tree cover of varying sizes and species.



Site Map

The Locality

The school is bounded to the east by an existing Shopping Centre, and on the other sides by rural residences.



Locality Map

The Proposal

It is proposed to demolish a number of older school buildings and construct a Multi-purpose Centre.

The Centre will have a floor area of 2945m² and will contain an auditorium of 751 seats, stage, learning rooms, administrations rooms, toilets, entry foyer, storerooms, 10 small learning rooms, over 2 levels.

The building will have wall heights of 4.5m to 5.8m above ground level with a maximum height of 12.6m and will cover 19% of the site.

No additional students are proposed and the Centre will be used on occasions of a weekend or evening for school or community events.

Consultation

The application was referred to the following authorities:

- Roads and Maritime Services
- Police Service
- NSW Rural Fire Service – Integrated Development
- Council Officers:
 - Development Engineer
 - Building Surveyor
 - Social Planner
 - Waste Officer
 - Tree Assessment Officer
 - Architect
 - Water and Sewer Engineer
 - Health Officer

Public Submissions

The proposal was advertised between 15 August 2012 and 14 September 2012 and no public submissions or objections were received.

Assessment

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans. The assessment supports **approval** of the application and has identified the following key issues which are elaborated upon for information.

Interim Development Order 122

a Objectives Of Zone

Clause 5(3) of Interim Development Order No 122 stipulates that consent must not be granted for development of land within the prescribed zone, unless the objectives of the zone have been taken into consideration in conjunction with the objectives of the Local Government Act 1993, pertaining to Ecologically Sustainable Development. The objectives of the 7(c2) zone are:

- (a) to provide a buffer or transition zone between conservation areas and urban areas; and
- (b) to enable development for the purposes of rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:
 - (i) to adversely affect the aesthetic and scenic value of the land and its setting; or
 - (ii) to create a demand for the uneconomic provision of services; and
- (c) to allow for non-residential uses where those uses are:
 - (i) compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service;
 - (ii) unlikely to adversely affect the aesthetic and scenic value of the land and its setting; and
 - (iii) unlikely to interfere unreasonably with the amenity of adjoining properties.

In this instance, it is considered that the proposal is consistent with the stated objectives of the 7(c2) Scenic Protection Rural Zone as well as being consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

b Character

Clause 5(4) of Interim Development Order No 122 stipulates that consent must not be granted for development unless it has taken into consideration the character of the development site and the surrounding area, where, for the purpose of this provision, character means the qualities that distinguish each area and the individual properties located within that area.

The site is located within the Community Centres and School Precinct of DCP 159. The desired character for this area is:

“These properties should continue to provide community, educational and recreation services according to the needs of their surrounding residential population. The scenic and civic qualities of prominent vegetated backdrops to Gosford City’s waterfronts, major roads and residential areas should be protected as well as enhanced by future development, infrastructure or landscape improvements, and by open space management.

Protect the habitat and scenic values of remnant bushland, wetland or salt marsh by retaining natural slopes and by avoiding further fragmentation of the tree canopy, particularly mature

bushland remnants along any ridge, slope, waterway or road frontage that provide scenically-prominent backdrops.

Enhance the recreation and scenic potentials of playing fields by masterplanned improvements that satisfy a wide range of recreation needs, including clustered shelter plantings around existing ovals and pitches, walking trails and seating, and amenities buildings. Around carparks and along street frontages in general, protect the safety of children by footpaths that are flanked by landscaped barriers to channel pedestrian traffic towards defined road crossings.

Ensure that new developments (including alterations to existing buildings and infrastructure works) do not dominate their natural or landscaped settings, or their predominantly low-rise residential surroundings. Surround buildings with landscaped settings that maintain the scenic quality of prominent bushland backdrops or existing corridors of planted trees. Ensure that the height and siting of new structures also preserve levels of privacy, sunlight and visual amenity that are enjoyed by neighbouring dwellings and their private open spaces. Complement the bushland canopy by planting all setbacks, courtyards and parking areas with shrubs and trees that are predominantly indigenous. Along front boundaries, provide for surveillance and safety by planting hedges or using fences that are low or see-through.

Promote high levels of visible activity around buildings by adopting elements of traditional “mainstreet” shopping villages, including extensive windows and building entrances that are located to reveal indoor activity. Incorporate footpaths, verandahs or colonnades to concentrate pedestrian access between clearly identified building entrances and surrounding streets or carparks.

Minimise the scale and bulk of new buildings and avoid the appearance of uniform building heights along any street by well-articulated forms. Divide floorspace into separate pavilion structures that are surrounded by landscaped courtyards, and vary the shape and height of facades, particularly to identify major entrances. For visually-prominent facades, incorporate extensive windows that are shaded by framed verandahs or exterior sunscreens, and display some variety of materials or finishes rather than expanses of plain masonry or metal cladding. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves or verandahs that disguise the scale of exterior walls.”

In this instance, the proposal does not detract from the character of the immediate locality.

Draft Gosford Local Environmental Plan 2009

The application has been assessed under the provisions of Draft Gosford Local Environmental Plan 2009 in respect to zoning, development standards and special provisions. The assessment concluded the proposal is consistent with the Draft Plan, which proposes to zone the site SP2-Infrastructure.

Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.9 of draft Gosford Environmental Plan 2009 have been considered.

Biodiversity

This land has been identified by the Natural Resource Sensitivity Biodiversity maps and Council has considered in the assessment of this development application the matters contained in Clause 7.10.3 and 7.10.4 of Draft Gosford Local Environmental Plan 2009.

Climate change and sea level rise

Climate change and sea level rise have been considered in the assessment of this application.

Climate change and sea level rise will be felt through:

- increases in intensity and frequency of storms, storm surges and coastal flooding;
- increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- increased coastal erosion;
- inundation of low-lying coastal communities and critical infrastructure;
- loss of important mangroves and other wetlands (the exact response will depend on the balance between sedimentation and sea level change); and
- impacts on marine ecosystems.

Internationally there is a lack of knowledge on the specifics of climate change and the likely impact it will have on the subject development. Government action may mitigate the impact of climate change and the question of sea-level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time.

In the absence of any detailed information at the present however, refusal of this application is not warranted.

SEPP 71 – Coastal Protection

The provisions of State Environmental Planning Policy (SEPP) No 71- Coastal Protection requires Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the Department of Planning NSW. The subject property falls within the Coastal Zone.

The Aims and Objectives and the matters listed under Clause 8 have been considered and the application complies with the provisions of the SEPP.

Bushfire Risk / Integrated Development

The site is classified as bushfire prone land and the proposal is a 'Special Fire Protection' purpose and is Integrated Development under S91 of the EP&A Act 1979. The RFS has issued a Bush Fire Safety Certificate under Section 100B of the Rural Fires Act subject to conditions.

(Refer Condition 5.5)

Police Comments

Gosford Police advise that there are no crime prevention issues with this proposal. However to prevent malicious damage and graffiti, external areas should be kept clean and tidy.

(Refer Condition 7.3)

Trees

Council's Tree Assessment Officer advises:

"It was estimated that up to a dozen more established trees would require removal for the proposed building consisting of Pine, Eucalypt, Wattle and Brush Box.

Three (3) of the Eucalypts (T41, T42, T45) are very large and mature specimens. A past failure was noted in T42.

Trees nominated as "Trees retained if possible" on the plan were noted as not substantial, however the applicant intends to retain them at this stage. Standard tree protection conditions have been applied, however it should be noted that there would be no objection to their removal if found necessary.

Discussions with Council's Engineer determined that an additional tree would require removal for K&G and footpath construction. This tree was not plotted or identified on plan, but was found to be a mature Blackbutt located on or near the front boundary. Due to the damage that would

occur to the trees structural root zone for the civil works, its removal is considered as an unavoidable consequence. Roots from a nearby Fig tree will also need to be severed. As the Blackbutt is not shown on plan it is recommended that it be shown on the required Engineering plans and nominated on those plans for removal."

(Refer Conditions 3.5-3.8, 4.3-4.6)

Access & Traffic

The site is located at the intersection of Central Coast Highway and Arundel Road. This intersection has recently been signalised in conjunction with the Roads & Maritime Service's upgrade of the Central Coast Highway.

The site is accessed from Arundel Road, not Central Coast Highway. There are three existing formalised accesses to the site. There is no kerb and gutter in the vicinity and in between the two southern most of the three accesses. There is kerb and gutter on the other side of the road and to the north and south of this area. Footpath is located in similar areas to where there is kerb and gutter. With due consideration to the pedestrian movements associated with movement between the car parks associated with the school to access the Multi-Purpose Centre, and to improve traffic safety on this side of the road, it is recommended that:

- road works incorporating kerb and gutter, pavement, and footway formation be constructed between the two southern most access points;
- concrete footpath be constructed between the two southern most access points;
- the vehicular access crossings be constructed to current standards.

(Refer Condition 2.2)

Drainage

The site grades generally from the southern end of the site to the northern and north-western area of the site.

The proposed development will be increasing the impervious area on the site. The Water Cycle Management Plan prepared by SEMF Project No: 3867.009 Rev 2 dated 13 July 2012 submitted with the application did not adequately address the requirements for the provision of on-site detention. As on site detention would be required with the proposal the applicant was requested to provide a design for the on-site detention utilising a run-off routing method. The revised report has not addressed this requirement. On the basis that the final design can be modified to suite the site, it is recommended that these requirements now be conditioned to be required prior to the issue of a Construction Certificate.

The development is to provide a nutrient/pollution control system in accordance with the requirements of Council's DCP 165 - Water Cycle Management.

(Refer Condition 2.7)

Stormwater from the site will connect to Council's existing drainage system in Arundel Road.

There is an existing drainage easement located within the southern portion of the site that is primarily located within the car parking area. This appears to be an interallotment drainage system. No works are envisaged to occur in this area.

Water & Sewer

Council's Water and Sewer Directorate advise:

- "1) the site is not located within Councils defined sewer service area;*
- 2) due to the distance (approx 700 metres) between the lower end of the proposed development and Councils existing sewer reticulation, and limited sewage discharge loads, it is unlikely the proposed development can achieve the maximum detention times (septicity control) to be able to connect via a private sewer pump unit.*

- 3) *the site slopes away from the existing gravity sewer system, which is located approximately 700 metres south east of the site.*
 - 4) *the applicant has advised there will be no additional students at the school, and involves transference of students from the existing school site to this site. This proposal may affect the integrity (sewage quality, detention times, septicity control, and operation) of the existing private sewer pump station servicing the school.*
 - 5) *the school may consider investigating the feasibility of extending Councils gravity sewer reticulation system to service the site although it is unlikely to be physically achievable and costs are likely to be prohibitive.*
- Water is available to the land."*

The applicant proposes to use an OSSM system for the multi-purpose centre.

Council's Waste Services has been working with the applicant's Consultant for the appropriate type of system to be installed and has provided conditions of consent.

It is noted that some of the options under consideration include potentially underboring Arundel Road to transfer grey water from the proposed MPC on the eastern side of the road to the portion of the school site on the western side of the road for irrigation of landscaped areas. Advice from City Services has indicated that no objections are raised to underboring of Arundel Road provided a minimum of 900mm cover is provided.

(Refer Conditions Ai, Aii, 2.6 and 4.15)

RMS Comments

The RSM advise that there are no objections to the proposal subject to conditions.

(Refer Conditions 2.7 and 3.9)

Noise Considerations

The RMS raised the issue of the potential for road traffic noise to impact the development of the site and the applicant's responsibility for noise attenuation measures if required. The applicant has submitted an acoustic report which in summary states:

- Guidance has been taken from the NSW Industrial Noise Policy to determine appropriate noise emission levels that Central Coast Grammar School MPC development (Section 2).
- Mechanical plant areas located on the roof and on the lower level at the north-east corner of the MPC building have been identified as potential noise sources that could impact nearby residences. Equipment selection and enclosure and ventilation of these areas would be designed to 40dBA or less (night operation) at any residential premises with emission free of intrusive characteristics.
- Noise breakout through the northern façade of the building from the rehearsal rooms on the lower level has the potential to impact nearby residences. The transmission loss of the northern façade would be designed to meet 55 dBA or less (day activity) at any residential premises with emission free of intrusive characteristics.
- Traffic noise intrusion from the Central Coast Highway has the potential to affect the amenity of internal spaces in the MPC building. Intrusion through the southern façade is unlikely to be significant given façade construction and internal layout of spaces. The roof is a potentially weak pathway and particular attention would be paid to the roof/ceiling construction to minimise the transmission of traffic noise.

(Refer Condition 6.5)

Car Parking

The school site will have a total of 366 car parking spaces located within the Central Coast Grammar School Site.

The applicant advises that the proposal does not provide for an increased student numbers and therefore no additional parking is required.

If the centre is used out of school hours for community purposes, the existing on-site car parking spaces will be available for such use. The availability of 366 car parking spaces for a 751 seat auditorium would require 148 car parking spaces under Council's Car Parking Policy. Therefore adequate on-site car parking is available for both school use and community events.

Conclusion

The proposal is permissible with consent and will provide a benefit to both the school and the community. There were no public objections or concerns raised by any public authorities. The proposal will not have any significant environmental impacts. The proposal complies with Council's Policies and SEPP (Infrastructure). The Rural Fire Service has issued a Bushfire Safety Authority.

Attachments: Development Plans

Tabled Items: Nil

RECOMMENDATION

- A In accordance with Section 80(3) of the Environmental Planning and Assessment Act, 1979, a deferred commencement consent is granted to Development Application No. 42576/2012 for the proposed Multi-Purpose Centre (Central Coast Grammar School) on Lot 12 DP 847114 No 2 Arundel Road Erina Heights is subject to the following conditions being met to the satisfaction of Council within twelve (12) months from the date of this consent. Such satisfaction will be achieved by:
- i. Submission of an on-site wastewater feasibility report from a practicing Geotechnical Engineer experienced in wastewater management in accordance with Australian Standard 1547:2012 On-Site domestic wastewater management and the Environment & Health Protection Guidelines On-Site Sewage Management for Single Households. The report is to be approved in writing by Councils Waste & Emergency Services section prior to the Development Consent becoming operative.
 - ii. Submission of an application under the provisions of Section 68 of the Local Government Act 1993, for a permit to install an on-site sewage management system. The application to install the on-site sewage management system is to be approved in writing by Councils Waste & Emergency Services section prior to the Development Consent becoming operative.
- B Upon compliance with the conditions of deferred commencement and written notification by Council, the consent shall become operative subject to the attached conditions.
- C In accordance with Section 95(1A) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.
- D The applicant is advised of JRPP's decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.
- E The NSW Rural Fire Service, Roads & Maritime Services and Police be notified of the Joint Regional Planning Panel decision.

CONDITIONS

DEFERRED COMMENCEMENT

- A This consent shall not operate until the following have been satisfied
- i. Submission of an on-site wastewater feasibility report from a practicing Geotechnical Engineer experienced in wastewater management in accordance with Australian Standard 1547:2012 On-Site domestic wastewater management and the Environment & Health Protection Guidelines On-Site Sewage Management for Single Households. The report is to be approved in writing by Councils Waste & Emergency Services section prior to the Development Consent becoming operative.
 - ii. Submission of an application under the provisions of Section 68 of the Local Government Act 1993, for a permit to install an on-site sewage management system. The application to install the on-site sewage management system is to be approved in writing by Councils Waste & Emergency Services section prior to the Development Consent becoming operative.

Evidence must be produced to the consent authority sufficient to enable it to be satisfied that above conditions have been complied within twelve (12) months of the date of this approval, otherwise this consent will lapse.

- B Upon compliance with the conditions of deferred commencement Council will issue an operative consent (including stamped plans) that is subject to the attached conditions:

1. PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documents

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by CBM Sustainable Design

Drawing	Description	Sheets	Issue	Date
A101	Proposed Site Plan	1	A	13/7/2012
A102	Site Photos	1	A	13/7/2012
A202	Lower Ground Floor plan	1	A	13/7/2012
A204	Ground Floor Plan	1	A	13/7/2012
A206	Roof Plan	1	A	13/7/2012
A207	Lighting Plan	1	A	13/7/2012
A208	External Perspectives	1	A	13/7/2012
A301	Elevations	1	A	13/7/2012
A302	Sections	1	A	13/7/2012
A303	Sections Cut and Fill	1	A	13/7/2012
A202	Tree Schedule	1	A	13/7/2012
A102	Landscape Plan	1	A	13/7/2012

Supporting Documentation

Document	Title	Date
	Statement of Environmental Effects	July 2012
	Acoustic Report	16 July 2012
	Traffic and Parking Impact Report	July 2012
Ref 2060	Bushfire Assessment Report	July 2012
	Preliminary Geo-environmental Investigation	13/7/2012
	Water Cycle Management Plan (Stormwater) Revision 3	17/10/2012
	Access Building Design Audit Report	11/7/2012
	Schedule of Materials and Finishes	Undated
	Fire Safety Schedule	Undated

1.2 Building Code of Australia

All building works must be carried out in accordance with the Building Code of Australia.

2. PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

2.1 No activity is to be carried out on site until the Construction Certificate has been issued. Other than:

- a Site investigation for the preparation of the construction, and/or
- b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

2.2 All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and "Policy 'D6.46 Erosion Sedimentation Control'".

The required works to be designed are as follows:

- a. Half width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum 6m wide road pavement across the frontage of the site in Arundel Road where kerb and gutter does not presently exist between and in the vicinity of the two southern most vehicular access crossings.
- b. Reconstruction of the existing vehicular access crossings with heavy-duty vehicle crossings that are constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- c. 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the frontage of the site in Arundel Road where concrete footpath does not presently exist between and in the vicinity of the two southern most vehicular access crossings.
- d. All redundant dish crossings and/or damaged kerb and gutter are to be removed and replaced with new kerb and gutter.
- e. The piping of stormwater from within the site to Council's drainage system located in Arundel Road.
- f. Roadside furniture and safety devices including fencing, signage, guide posts, chevrons, directional arrows and guard rail in accordance with RTA and Australian Standards.

The engineering plans must be approved by Council prior to the issuing of the Construction Certificate required under this consent.

- 2.3 A pavement report for works within a public road reserve shall be prepared by a practising Geotechnical Engineer. This report must be submitted with the engineering plans and approved by Council under the Roads Act, 1993.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Arundel Road	2x10 ⁶

- 2.4 A dilapidation report must be submitted to Council prior to issue of the Construction Certificate and/or approval of engineering plans under the Roads Act. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.5 A security deposit of \$10,000 must be paid into Council's trust fund prior to the issue of the Construction Certificate. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.6 Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000, must be obtained from the Water Authority (Council) prior to the issue of the Construction Certificate. Contributions may be applicable to the Section 307 Certificate.
- 2.7 Design of the following engineering works within private property:
- Driveways and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.
 - A stormwater detention system must be designed in accordance with Council's DCP165 - Water Cycle Management and Council's 'GCC Design Specification for Survey, Road and Drainage Works'. The stormwater detention system shall limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1%AEP storm event. A runoff routing method is to be used. An on-site stormwater detention report including an operation and maintenance plan shall accompany the design. On-site stormwater detention is not permitted within drainage easements, and/or secondary flowpaths.
 - Nutrient/pollution control measures must be designed in accordance with Council's DCP165 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
 - Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Arundel Road.

The design of these details and any associated reports shall be included in the construction certificate.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1 The construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a Principal Certifying Authority prior to the commencement of any building works.

The Principal Certifying Authority (if not the Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than 2 days before the building work commences.

- 3.2 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.
- 3.3 Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 3.4 A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 3.5 The Principal Certifying Authority must ensure that all parties/trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.6 Tree Protection Zones are to be established around trees identified to be retained. The distance from the tree to be retained to the boundary of the tree protection zone, is to be determined by the following table. Distances shown in the Table are calculated one (1) metre above ground from the trunk of the tree.

Trunk diameter mm	Distance metres from Trunk
<200mm	3 metres
200mm up to 400mm	4 metres
>400mm	5 metres

- 3.7 A 1.8 metre high chain mesh fence is to be erected around Tree Protection Zones and must remain intact until construction is completed.
- 3.8 Fences around Tree Protection Zones must be sign posted to warn of its purpose.
- 3.9 A Traffic Management Plan (TMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plan. The TMP is to be prepared by a person who is certified to design and prepare a TMP. The TMP is to be submitted to Road and Maritime services And Council for approval. The TMP shall be applied when the MPC is to be used for non-school related activities with the intention of ensuring minimal impact to the operation of the road network and in particular to ensure that no residual queuing occurs back onto the Central Coast Highway. The TMP should also ensure the safe movement of pedestrians and how they interact with the movement of vehicles.

- 3.10 Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures must be in accordance with the NSW WorkCover publication titled, '*Site Security and Public Access onto Housing Construction Sites*' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

- 3.11 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*.

The person having the benefit of this consent must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the development consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

In this condition, bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.

Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Office of Environment and Heritage.

4. DURING WORKS

- 4.1 Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

a No work is permitted on Sundays and Public Holidays

b No work is permitted on:

- Saturdays when a public holiday is adjacent to that weekend.
- Construction industry awarded rostered days off.
- Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i Minor renovation or refurbishments to single dwelling construction.
- ii Owner occupied renovations or refurbishments to single dwelling construction.
- iii Owner builder construction of single dwelling construction; and/or
- iv Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

- 4.2 Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Erosion Sedimentation Control Policy D6.46.
- 4.3 Public Tree Removal - Any tree located on Council managed land that requires removal due to works approved by a Development Application must be undertaken at the full cost and responsibility of the developer/owner using a Pre-qualified Tree Contractors.
- 4.4 Trees to be removed shown on the approved plan must be removed in a manner so as to prevent damage to those trees that are to be retained.
- 4.5 Stumps are to be ground out or removed in a manner that shall not cause damage to trees to be retained.
- 4.6 Where tree roots need to be severed, they are to be cut with a saw (not ripped).
- 4.7 The driveway design and loading area layout is to be designed in accordance with AS 2890.2-2002 Parking Facilities - Off Street Commercial Vehicle Facilities.
- 4.8 The waste truck servicing grade is to be 3% or less for the following areas:
- Within the enclosure
 - For bulk bin roll out pads
 - Within the 13m bulk bin and truck service area
- 4.9 Compliance with all commitments detailed in the Approved Waste Management Plan signed by T. Battle dated 30/08/2012 (Doc. No. 12334561) and Waste and Recycling Storage Area Dwg No. A209 Rev A.
- 4.10 This development is subject to Council's DCP106 – Controls for Site Waste Management. The Waste Management Plan submitted as supporting documentation with this development consent is required to be implemented during all stages of demolition and construction.
- 4.11 Buildings are to be demolished in a safe and systematic manner in accordance with the requirements of Australian Standard AS 2601-2001 - *Demolition of Structures*, and disposed of in an approved manner.
- 4.12 All recommendations of the geotechnical report must be implemented during works. This includes, but is not limited to, the carrying out of all inspections as required by the geotechnical engineering report with a view to the geotechnical engineer providing written certification to the Principle Certifying Authority's satisfaction that all works have been carried out on site in accordance with the recommendations contained within the geotechnical engineers report.
- 4.13 The works within the road reserve that required approval under the Roads Act shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.
- 4.14 The Engineering works within private property that formed part of the construction certificate shall be constructed in accordance with the plans and details approved with the construction certificate.

- 4.15 Should underboring of Arundel Road be proposed, a minimum of 900mm cover shall be provided over the pipeline. Work-as-executed (WAE) plans prepared by a suitably qualified surveyor shall be submitted to Council on completion of any underboring works. The WAE plans shall indicate the location and depth of the underbored pipeline.

5. PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

- 5.1 Application for the Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
- 5.2 The premises not being occupied until the occupation certificate has been issued.
- 5.3 The driveway, vehicle manoeuvring area and car parking spaces as shown on the approved plan must be properly constructed, graded, drained, sealed and line marked including directional arrows with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking.
- 5.4 Further to the plant list on the landscape plan, replacement tree planting is to include larger native species such as Blackbutt and Turpentine to be planted in areas as shown on the landscape plan. A total of 20 replacement trees are to be planted prior to issue of the occupation certificate.
- 5.5 An instrument under the Conveyancing Act 1919 must be established on the Certificate of Title establishing a restrictive covenant to require the entire property to be managed as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of '*Planning for Bush Fire Protection 2006*' and the NSW Rural Fire Service's document '*Standards for Asset Protection Zones*'.
- 5.6 Completion of landscaping works.
- 5.7 An Approval to Operate the on-site sewage management system is to be issued by Council's Waste and Emergency Services prior to the issue of an Interim or Final Occupation Certificate.
- 5.8 Prior to the issue of the Occupation Certificate a geotechnical engineer shall provide written certification to the Principle Certifying Authority's satisfaction that all works have been carried out on site in accordance with the submitted geotechnical report recommendations.
- 5.9 Works within the road reserve that required approval under the Roads Act are to be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', and documentary evidence for the acceptance of such works obtained from the Roads Authority prior to the issue of the Occupation Certificate.

Note 1: A maintenance bond shall be paid on completion of the works in accordance with Section 1.07 Maintenance of the 'Civil Construction Specification'.

- 5.10 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.

5.11 Prior to the issue of the occupation certificate, the internal engineering works within private property that formed part of the construction certificate shall be completed in accordance with the plans and details approved with the construction certificate.

5.12 Prior to the issue of an Occupation Certificate the Deposited Plan (DP) must be amended to:

- Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants shall be defined by bearings and distances shown on the plan.

a To create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility.

And,

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).

a To ensure on any lot containing an on-site stormwater detention system and/or a nutrient/pollution facility that:

- (i) The facility will remain in place and fully operational.
- (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
- (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
- (iv) Council is indemnified against all claims of compensation caused by the facility.

Registered title documents showing the restrictive and positive covenants must be submitted to and approved by the Principal Certifying Authority prior to the issue of the occupation certificate.

6. ONGOING OPERATION

6.1 No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.

6.2 All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.

6.3 All car parking areas and spaces required by this consent are to be maintained and periodically reline-marked. Such spaces are to be made available to all users of the site at all times during trading hours.

6.4 All mixed and recycled waste to be collected by a Private waste collection contractor.

6.5 The operation of all mechanical plant equipment and machinery (i.e. air conditioning units) shall not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.

6.6 Maintenance of the on-site stormwater detention facility in accordance with the operation & maintenance plan.

- 6.7 Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.

7. ADVICE

- 7.1 The public authorities may have separate requirements and should be consulted in the following aspects:
- a *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - b *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - c *Energy Australia* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - d *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - e *Gosford City Council* in respect to the location of water, sewerage and drainage services.
- 7.2 All work carried out under this Consent should be done in accordance with WorkCover requirements including the Workplace Health and Safety Act 2011 No 10 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 7.3 External areas should be kept clean and tidy, to discourage vandalism and promote a culture of respect and care.
- 7.4 It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies with the requirements of the *Disability Discrimination Act*.
NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law. The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current *Building Code of Australia*, it does not indicate nor confirm that the application complies with the requirements of the DDA.
- 7.5 A fee for the approval of engineering plans under the Roads Act 1993 applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.
- 7.6 The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 7.7 Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Council's web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.

8. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a ***criminal offence***. Failure to comply with other environmental laws may also be a ***criminal offence***.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

9. RIGHT OF APPEAL

- 9.1 Section 97 of the Act, confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.
- 9.2 To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

