

REPORT TO HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

TITLE DEVELOPMENT APPLICATION NO. 44061/2013 PART 1
APPLICANT: ST EDWARDS COLLEGE
PROPOSED: ALTERATIONS AND ADDITIONS TO AN EXISTING EDUCATIONAL ESTABLISHMENT (ST EDWARDS COLLEGE) INCLUDING NEW LIBRARY, MUSIC & DRAMA FACILITY & DEMOLITION OF EXISTING LIBRARY (JRPP) ON LOT: 16 DP: 570400, 13 FREDERICK STREET EAST GOSFORD
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)

The proposal for alterations and additions to an educational establishment with a capital investment value of \$8.5M (i.e. over \$5M) is classified as regional development under Schedule 4A subclause 6(b) of the *Environmental Planning and Assessment Act 1979*.

Assessing Officer

D Spithill

Reviewing By

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

Date Application Received

08/07/2013

Proposal

New Library, Music & Drama Facility & Demolition of Existing Library (JRPP)

Zone

Part 5(a) Special Use - GPSO / Part 7(a) Conservation -IDO122

Area

35730m²

Section 94 Contributions

The subject land is subject to Contribution Plan No 164 – Gosford Regional Centre and Contribution Plan No 43 – East Gosford. The proposed development for an educational establishment does not attract any section 94 contributions under these plans.

Gosford 2025 – Community Strategic Plan

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

Public Submissions

One (1)

Pre-DA Meeting

A Pre-DA Meeting was held 20 June 2013

Political Donations

None declared

Relevant Statutory Provisions

- 1 Environmental Planning & Assessment Act, 1979 – Section 79C, Schedule 4A
- 2 Local Government Act 1993 – Section 89
- 3 Gosford Planning Scheme Ordinance
- 4 State Environmental Planning Policy No 71 – Coastal Protection
- 5 State Environmental Planning Policy (Infrastructure) 2007
- 6 State Environmental Planning Policy No 19 – Urban Bushland
- 7 State Environmental Planning Policy (State and Regional Development) 2011 – Part 4

Key Issues

1. Proposal
2. Operational Details
3. Site and Surrounds
4. Relevant Statutory Framework
5. Gosford Planning Scheme Ordinance
6. Heritage
7. Draft Gosford Local Environmental Plan 2013 (formerly exhibited as Draft Gosford Local Environmental Plan 2009)
8. State Environmental Planning Policy (Infrastructure) 2007
9. State Environmental Planning Policy No 19 – Urban Bushland
10. State Environmental Planning Policy No 71 – Coastal Protection
11. Bulk Height and Scale
12. Car Parking
13. Accessibility and BCA Compliance
14. Amenity Impacts
15. Visual Privacy
16. Council Building Surveyor
17. Crime Prevention through Environmental Design
18. Engineering Assessment
19. Waste Management
20. Bushfire Protection
21. Climate Change and Sea Level Rise
22. Public Submission

Recommendation

Approval

REPORT**Background**

St Edward's Christian Brothers' College was officially opened in 1953 at 13 Frederick Street, East Gosford. Since its official opening, student enrolments have grown and college facilities have expanded to meet the demand. Over the past 50 years, numerous development consents

have been issued by Council for the construction of additional classrooms and science labs, student resources room and library, the Edmund Rice Centre, food technology and canteen facilities and the Technology and Applied Science (TAS) building.

Proposal

The Statement of Environmental Effects advises the following in relation to the proposed development:

“The proposed development consists of a new library, staff, drama and music facility which will occupy the location of the existing single storey library & administration building to be demolished. The building is excavated into the sloping site and presents as a two storey facade to the west and four storey facade to the east.

The new building will comprises of:

- *Library with enclosed balcony and overhead pedestrian bridge link to the existing Quadrangle building*
- *Drama and music facilities including a double height drama studio with foyer*
- *Staff and associated administration areas*
- *Canteen facility and delivery area*

As part of the proposal, there will be external works which include:

- *Construction of a series of external podiums and an external ‘College street’ linking these to improve the pedestrian connections within the rest of the College campus.*
- *Reconstruction of existing external levels to coincide with new external levels to create defined useable outdoor spaces.*
- *Partial demolition of existing Quadrangle building (north east corner) at ground level to widen access and increase views into the main Quadrangle area from the new main podium.*
- *Widening of south driveway off Frederick Street to improve ease of 2-way traffic.”*

Operational Details

The site is currently occupied by St Edwards College which has 980 students and 110 staff. The student population remains unchanged under this application. The proposed hours of use of the new building will be in line with current school operational hours (i.e. 8.30am to 3.00pm). Before and after school hours activities are restricted to 1-2 hours and based around individual students or student groups carrying out elective subjects with teacher supervision. There may be up to four evenings over the school year, where students and parents gather for a performance or exhibition of student works. These events would typically finish by 8.30pm. The proposed use of the new facility will not change the current operational hours of the College.

Site and Surrounds

The college site is 13 Frederick Street East Gosford and occupies two lots (i.e. Lot 16 DP570400 and Lot 1 DP 806602) with a combined site area of 61,500m².

The site is bound by Frederick Street and residential properties to the west, St Joseph’s Catholic College and Russell Drysdale Street to the north, Caroline Bay to the south and vegetation leading to Gosford Arts Centre to the east. (Refer Figure 1 – Aerial Photograph of Site)

The College site is predominately sports playing fields to the east (Lot 1 DP 806602) with buildings concentrated to the west and north of the site off Frederick St (Lot 16 DP570400). The proposed development is located wholly within Lot 16 DP570400, No 13 Frederick St.

The combined school site falls away to the South, Caroline Bay. The flood level is RL 1.95 and a minimum building floor level of RL 2.45 applies to the site. Tree cover and vegetation is predominately located along the southern boundary adjoining Caroline Bay and to the southeast of the site. The site contains a heritage item 'Mona Vale' House built in 1889 which is located to the immediate west of the proposed additions.

The formal entry to the College is off Frederick Street with vehicle access via two separate driveways. St Edward's College students access the College from Russell Drysdale Road.



Figure 1: Aerial Photograph of site

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 Council's information.

Relevant Statutory Framework

State Environmental Planning Policy (State and Regional Development) 2011 – Part 4

Schedule 4A Environmental Planning and Assessment Act 1979

Schedule 4A stipulates development for which regional panels may be authorised to exercise consent authority functions of councils. Clause 6 of the schedule specifies development for private infrastructure and community facilities that has a capital investment value of more than \$5 million and includes under subclause (b) development for the purpose of an educational establishment.

As the proposal is for alterations and additions to an existing educational establishment and will have a CIV in excess of \$5M, the determining authority for the proposed development is the Central Coast Joint Regional Planning Panel.

Gosford Planning Scheme Ordinance

(a) Permissibility

The site is zoned Part 7(a) Conservation & Scenic Protection under IDO 122 and Part 5(a) Special Use under the GPSO. The proposed development is sited wholly within the 5(a) Special Use zone. (Refer Figure 2: Zoning Map)

Development for the purpose of an educational establishment is permissible on the land zoned 5(a) Special Use under the Gosford Planning Scheme Ordinance.

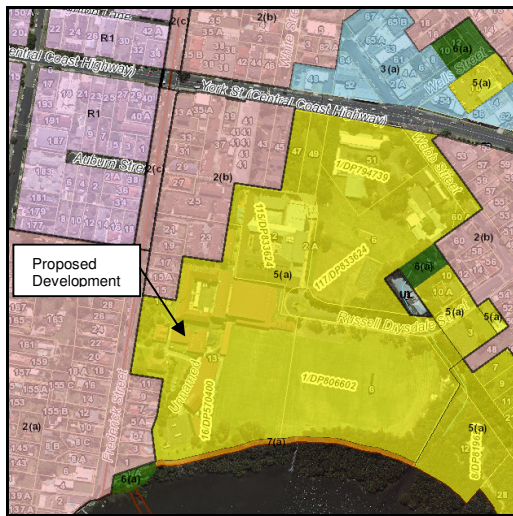


Figure 2: Land Use Zoning Map

(b) Objectives of Zone

Clause 10(3) of the Gosford Planning Scheme Ordinance 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.

In this instance, it is considered that the proposal is consistent with the stated objectives of the 5(a) Special Use zone as well as being consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

(c) Character

Clause 10(4) of the Gosford Planning Scheme Ordinance stipulates that the Council must not grant consent 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 proposed site is located within the desired character precinct East Gosford 8: Community Centres and Schools under DCP 159. The desired character statement contains the following objectives for the locality as summarised:

“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. Enhance the recreation and scenic potentials of playing fields. 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.

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. 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."

The SEE contends that: *"the proposal is an improved facility for the College that is appropriate in height, scale and bulk for its location within the College site. The proposed building engages with its immediate surrounds through the creation of new external works which greatly improve the sense of arrival to the College, reinforces pedestrian connections through the site and provide quality outdoor spaces that become extensions to internal spaces."*

In relation to external materials the SEE advises that:

"The design of the building takes into consideration the surrounding buildings and context of the College site. The new building will be a contemporary design and appearance with a combination of modern and traditional building materials and glazing styles. The new buildings relationship with existing adjacent buildings is appropriate in height, scale and bulk. The use of similar materials of existing buildings are considered for the new building.

The treatment of the new building's western elevation will be a sympathetic backdrop to the heritage 'Mona Vale' House. The predominant grey tones and accents of muted red louvres does not compete nor detract the architectural features of Mona Vale House. The new building's northern elevation is more animated presenting an active facade to the new external 'College street', with feature stair to enclosed balcony to the entrance of the new library and glazed sections which reveal the activities within the library. The eastern elevation presents views over the sports playing fields and activation of the new podium level with existing outdoor spaces such as Quadrangle, TAS building and Edmund Rice Centre. The Southern elevation is simply treated with windows to take advantage of the distant views.

The general design theme of the masonry base with combined areas of contemporary glazing and cladding materials and sunscreen devices to shade, activate where appropriate the building facade and how it presents itself within the college site."

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

Heritage

The new building is proposed to be located to the east of a building listed as an item of local environmental heritage in the Gosford Planning Scheme Ordinance. 'Mona Vale' House is listed as Item 181 in Stage 1 of the Gosford Heritage Review.



Figure 3: Mona Vale House (Source: Heritage Consultant of NBRSPARTNERS)

A Statement of Heritage Impact has been prepared by NBRSP + Partners which concludes: *"The new Library, Staff, Drama and Music Building would replace two buildings of no heritage value. It would be located a little further away from the nearby heritage item, and take a form and colouring designed to enable the required floor space to sit quietly in the vicinity of the heritage item. The proposal would not have an adverse heritage impact on Mona Vale."*

Comment's Council's Architect

Council's Architect has reviewed the proposal and supporting reports and has provided the following heritage assessment:

"The proposal is for the demolition of the existing library and the construction of a new library and performing arts centre. The new building is excavated into the slope and presents as four stories on the east and two on the west.

The new building is proposed to be located to the east of a building listed as an item of heritage significance in the Gosford Planning Scheme Ordinance.

This is "Mona Vale" listed as Item 181 in Stage 1 of the Gosford Heritage Review. It is significant because:

The house "Mona Vale" at Frederick Street East Gosford has rare local aesthetic significance as a largely intact example of a Victorian Gothic residence. It has historic significance as an elegant early residence of the Gosford district, associated with the early settlement of the township of East Gosford, being part of the subdivision of William Stone's grant and for its association with William Rogers 111 and family. It has social significance as the site of the "Gosford School for Girls" and its continued association with education through St Edwards College. It is an important element in the streetscape. Although the curtilage has been reduced this does not detract from its significance.

Heritage Assessment

This application has been assessed in accordance with 'Statements of Heritage Impact' published by the NSW Heritage Office.

It lists the following items for consideration:

1 *How is the impact of the new development on the heritage significance of the item or area to be minimised?*

The new building replaces an existing building of little architectural merit. The new building is set back slightly further than the existing building and is separated physically and visually by the existing driveway.

2 *Why is the new development required to be adjacent to a heritage item?*

The proposed development can only be constructed on the applicant's site.

3 *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*

The existing curtilage contributes to the significance of Mona Vale. The curtilage will not be reduced and will continue to contribute to the heritage significance.

4 *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*

The new development will have no impact on views to or from the heritage item.

5 *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*

There are no known archaeological deposits on the site.

6 *Will the public and users of the item, still be able to view and appreciate its significance?*

The public will still be able to view the items.

The application will have no detrimental impact on the significance of the heritage item and is supported."

Draft Gosford Local Environmental Plan 2013 (formerly exhibited as Draft Gosford Local Environmental Plan 2009)

The application has been assessed under the provisions of Draft Gosford Local Environmental Plan 2013 in respect to zoning, development standards and special provisions. The site will be zoned SP2 Infrastructure under the draft LEP. The assessment concluded the proposal is consistent with the Draft Plan.

Acid Sulphate Soils

Part of the land has been identified as being affected by the Acid Sulphate Soils Map and the matters contained in Clause 7.9 of draft Gosford Environmental Plan 2013 have been considered. Council mapping system shows high risk along the foreshore however, there are

no known occurrences of acid sulphate soil risk at the location of the proposed new development.

Flooding

This land has been classified as being under a “flood planning level” and subject to the imposition of a minimum floor level, the development is considered satisfactory in respect to Clause 7.11.3 of Draft Gosford Local Environmental Plan 2013.

State Environmental Planning Policy (Infrastructure) 2007

In accordance with Division 3 Clause 30(2) Educational establishments: before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):

- (a) *School Facilities Standards—Landscape Standard—Version 22* (March 2002),
- (b) *Schools Facilities Standards—Design Standard* (Version 1/09/2006),
- (c) *Schools Facilities Standards—Specification Standard* (Version 01/11/2008)."

The applicant's planning consultant applicant has advised that: *“As the proposal is considered an educational establishment, the relevant standards in State government publications School Facilities Standards - Landscape Standard, Design Standard and Specification Standard has been reviewed and the design of the new facility is consistent with the relevant standards.”*

A condition of consent has been imposed requiring the Architect to provide certification that facility has been designed to be consistent with the above State Government publications prior to the issue of a Construction Certificate.

(Refer Condition No 2.7)

State Environmental Planning Policy No 19 – Urban Bushland

The site adjoins Crown land foreshore reserve and Caroline Bay Reserve/Frederick Street reserve. The proposed development will be located centrally within the existing school building area and is not in close proximity to bushland located to the far east of the college grounds. The proposed development will have no impact on existing bushland.

State Environmental Planning Policy No 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 and is located within a “sensitive coastal location” as the school site is located within 100m of Caroline Bay.

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

Bulk, Height and Scale

The GPSO contains no specific height/floor space ratio controls for educational establishments on land zoned 5(a) special use. As such the height, bulk and scale of the development has been assessed on its merits under Section 79C of the EP&A Act 1979.

It is considered that the proposal has a satisfactory relationship with immediately surrounding school building in terms of height, bulk and scale and is compatible with the single storey heritage item.

(a) Height

The SEE advises that:

The proposal will be no higher than the existing adjacent Quadrangle building to the north of the new building. The new building will be two storeys at the west and four storeys to the east. The building roof slopes towards the south reducing the bulk roof profile along this facade and amount of overshadowing of the TAS building. The new building ridge line is proposed at maximum of RL22.96 which is approximately half a metre lower than adjacent Quadrangle Building Ridge line RL22.44.

Although the building is up to four storeys in height there is no significant disparity in height with immediately adjoining school buildings.

The visual bulk, height and scale of the development does not detract from the streetscape and character of surrounding development noting the building is located centrally amongst existing school buildings.

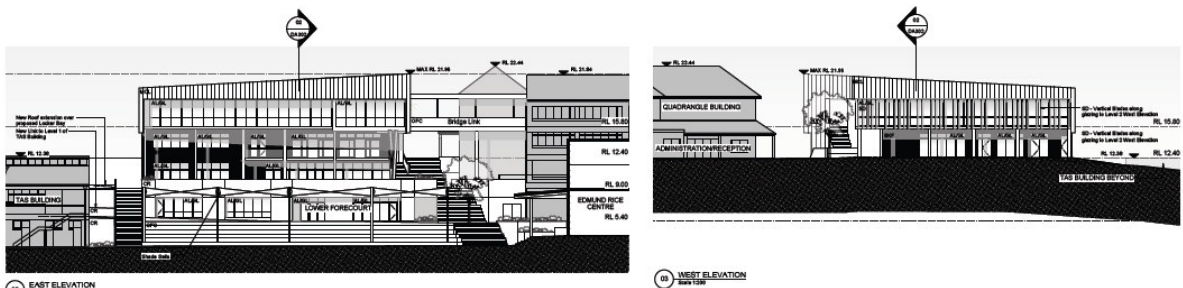


Figure 4: Elevations showing height relationship with adjoining school building (existing quadrangle building)



(b) Floor Space Ratio

The proposed building footprint is 1067m² and the Gross Floor Area of the proposed building is 3348m² and with a College Site Area of 61,000m², the FSR is 0.05:1, which is not significant.

Amenity Impacts

The proposal has potential to impact on the amenity of adjoining residential development in Frederick Street. The following noise sources were identified in the accompanying Acoustic Report by Resonate Acoustics No S13105, dated 4 July 2013:

- Mechanical services plant and equipment located in the north-west open compound at roof level (set within the fall of the roof as indicated on the architectural drawings).
- Mechanical plant room louvered south facade at ground level.
- Noise emissions from drama and music related activities within the new building.

Essentially, the proposed facility is a consolidation of a number of existing spaces (including two noise producing spaces being drama and music) into one purpose designed facility at a central location within the school campus. The drama and music spaces are located at the lower levels of the proposed facility. These levels are cut into the ground on the west of the building, which would serve to control noise emission from activity related noise to residential receivers in Fredrick Street.

The proposed facility is for the use of the College only. The report advises up to four evening events (school drama and music productions) would occur per year.

The SEE advises that:

“The new facility does not introduce any new activities to the site. It is simply a replacement of existing facilities brought into one new building. The new facility incorporates improved building fabric to meet section J requirements and will provide better acoustic properties and improved buffer to neighbouring properties than the same facilities in their existing locations. For example, the relocation of the existing music facilities (currently located behind No 23 Frederick St residential properties) will greatly improve the acoustic amenity of the residences at No 23.

It is intended that many of the areas in the new building will be air conditioned, including the library, staff areas, and drama and music facilities. The external condensers are proposed to be located on an open roof plant which is concealed under the roof line. The location of new mechanical plant at the heart of the College has been considered to minimise the noise impacts to neighbouring properties.”

The application is accompanied by an Acoustic Report by (Resonate Acoustics, No. S13105, 4 July 2013) which advises that noise emissions from mechanical services noise and activity related noise associated with the proposed facility can be controlled to meet the established criteria set out in the report, subject to appropriate acoustic design at the design stage (i.e. acoustic performance criteria provided by the DEC School Facilities Standards, AS/NZS 2107:2000 and the AAAC Guideline for Educational Facilities Acoustics which are required to be referenced at the design stage of the proposed facility).

(Refer Condition No 2.8)

Visual Privacy

The proposed additions are contained within the existing school building area in a central location and as such do not pose any significant external privacy issues. The SEE advises the following in relation to visual privacy impacts:

“The new development aims to retain visual privacy to neighbouring properties by being located well within the College, well away from adjoining residential properties. The visual impact of the new building seen from Frederick Street will be a sympathetic backdrop to Mona Vale House and the height, scale and bulk of the new building is appropriate to that of the Quadrangle building. The new building location takes advantage of distant views of the playing fields to the east and water views to the south, Caroline Bay. The neighbouring residence on Frederick Street current views will not be impacted from the proposed development.”

Car Parking

In accordance with DCP 111 - Car Parking, educational establishments are required to provide on-site parking at the following rate:

- 1 space per 2 staff,
- 1 space per 30 students and
- 1 space per 100 car spaces for persons with disabilities

The Statement of Environmental Effects advises that the *“proposal does not increase the College student and staff population, nor the activities on the site. The student population will remain at 980 and staff numbers at 110. There are currently 140 Year 12 students of which approximately half reach driving age prior to completing the Higher School Certificate.”*

Applying the rate required under DCP 111 for the current student enrolment (i.e. 980) and staff (i.e. 110) populations, the required number of car spaces is 33 (student and parent vehicles) + 55 (staff component) - a total of 88 spaces. The SEE advises that there are currently 68 car spaces on the College site and the proposed development requires the removal of 3 car spaces to the south east corner of the proposed building site. These 3 car spaces will be re-located to the north driveway car parking area so the total number of car spaces on site remains unchanged.

While there is currently a shortfall in car parking (i.e. 20 spaces) based on current student and staff population under DCP111- Car Parking, the proposal does not generate additional car parking demand as student/staff numbers are not increased.

Accessibility and BCA Compliance

The proposal provides improved levelled access from the majority of existing areas of the College to the new building. The proposed building incorporates a new lift which allows a person with mobility issues to gain access to all levels of the new building. From the lower level forecourt disabled access is proposed to the Edmund Rice Centre GLA's and from there to the sports playing field.

The application is accompanied by an Access Capability Statement (Cheung Access), and a condition has been imposed for the proposal to comply with the recommendations of this report. **(Refer Condition No 2.9)**

The location of two designated disabled car spaces are appropriate, with one located off Russell Drysdale Road adjacent to entrance of Edmund Rice Centre and the other off Frederick Street adjacent to the College reception & administration, in close proximity to the new building. The accessible car spaces meet required car parking requirement of AS 2890.1 Car Parking provisions for persons with a disability.

The SEE advises that:

“The new building is classified Class 9b - Secondary school. Type A construction (Spec C1.1 Table 3 BCA) as required by a building with a rise of 4 storeys. The BCA allows a concession for roof and supporting structure not to be fire rated as long as ceiling immediately below the roof has a resistance to incipient spread of fire to the roof space of not less than 60 minutes. Fire compartmentation and separation will be applied and protection of openings in accordance with C2.6 & C3.2 of the BCA. Provisions for access and egress have been met under the BCA where the number of exits and access for people with disabilities has been incorporated in the design of building.”

Council's Building Surveyor

Council's Building surveyor has advised "*Council's interpretation of the classification of buildings and structures in accordance with Part A3 of the BCA is: 9b. I am satisfied the development is capable of complying with the BCA without any major redesigns.*"

Crime Prevention through Environmental Design

The principles of CPTED and Safer by Design have been considered in the design of the new facility. In this regard the SEE advises the following:

"Educational use is relatively low risk for crimes it does not involve casual access by the public. In addition to this is the fact that the existing site can be effectively secured out of school hours and that this line of security will be improved in the new development.

The new development is at the heart of the College site. The new building has been designed to improve supervision and surveillance by creating the 'College street' and improving external connections to existing buildings. During the design process, it was identified the College featured poor space between buildings acting as services or simple circulation spaces as opposed to quality outdoor spaces relating to building uses.

The new 'College street' is clearly defined as the main pedestrian spine through the college. Along the 'college street' a variety of level outdoor areas are created which relate to new building entrances and existing building entrances and spaces. Creating purposeful and positive outdoor spaces that engage with new and existing buildings is intended to deter undesirable activities.

The clearly defined pedestrian paths, better transparency between buildings and external spaces that promote learning opportunities will enhance supervision on the site. The provision for adequate external lighting of outdoor spaces and circulation routes will further contribute to safety and surveillance. Conventional measures such as fencing, gates, security doors and window and alarm systems will be incorporated where appropriate to improve safety and surveillance.

The relocated delivery area will require a new driveway off the existing two-way internal service road that services the main staff carpark. The new delivery area provides direct access to the new canteen. The required turning area for a small delivery vehicle will be provided and deliveries to the new building will be managed by St Edwards operational team to ensure minimal disruption to internal vehicular movement within the college grounds.

The south driveway off Frederick Street is proposed to be widened to improve the ease of two way vehicular movement. The widening of the south driveway will be in accordance with Gosford Council requirements. The existing disabled car space located on the internal service road north of the Quadrangle will be relocated to be adjacent to the reception area which is an improvement."

(Refer Condition No 4.3)

Engineering Assessment

(a) Road Works

The site has frontage to two public roads, these being Frederick Street along the western frontage of the site, and Russell Drysdale Street which terminates as a cul-de-sac within the

eastern frontage of the site. There is no kerb and gutter located across the Frederick Street frontage and there is no concrete footpath located south of the northern vehicular access point. A pedestrian link is provided to the north of this vehicular access point which connects Frederick Street to Central Coast Hwy. The footway in Frederick Street grades down towards the property, and is not formed to Council footway standards. The proposal would not generate additional pedestrian movements across the part of the frontage without footpath and road works and footpath works are not required in conjunction with the proposed development.

(b) Access

Whilst there will be no changes to traffic demand and no planning requirement to provide additional car parking on site, the proposal will include the following works:

- Relocate delivery area from west of existing administration quadrangle building to the south of new building.
- Widening of southern driveway off Frederick Street to improve two way vehicular movement
- Relocate disabled car space to adjacent to reception area of Quadrangle Building which is in close proximity to the new building and public face of the College.

Council's Development Engineer has advised that: "the proposed development will not alter the location of the vehicle access points in Russell Drysdale Street or Frederick Street. However, the southern vehicle access crossing in Frederick Street is proposed to be widened to facilitate two way traffic movements. This will be appropriately conditioned under s138 of the Roads Act approval."

(Refer Condition No 2.2)

The proposed alterations to the internal accesses and parking arrangements are to comply with Australian Standard AS2890.

(Refer Condition No 2.6)

(c) Traffic

The proposed development does not increase student numbers. The proposal replaces and improves existing facilities on the site. The proposal would have a negligible effect on the existing traffic movements in the area.

(d) Comments RMS

The application was referred to the RMS who have provided the following advice:

"In accordance with State Environmental Planning Policy Infrastructure 2007 (ISEPP) Clause 104, RMS is given the opportunity to review and provide comment on the subject development application as it meets the requirements under Schedule 3, Column 2.

RMS has reviewed the information provided and has **no objections** to or requirements for the proposed development as it is considered that there will not be a significant impact on the classified road network."

(e) Flooding

The site is subject to flooding and is identified as being affected by Brisbane Water Foreshore Flood Study and also by Council's Flood Management Policy. Accordingly, the provisions of DCP 115 – Building in Flood Liable Areas apply to the proposed development.



Figure 5: 1 in 100 year flood extent

The application was referred to Council's Flooding & Drainage Development Engineer who advised:

"The lot is subject to flooding in the 1% AEP event to a level of 1.95m AHD; as such there is a minimum floor level requirement of 2.45m AHD for habitable development.

The proposed development is a new library building. The lowest proposed habitable floor level is 5.40m AHD. This is acceptable with conditions.

Council's Development engineer has advised that flood related conditions are not required as the lowest part of the proposed building (RL 5.4m AHD) is approximately 3m above the flood planning level for this site (RL 2.45m AHD).

(f) Drainage

A Water Cycle Management Plan (WCMP) prepared by Sparks & Partners (Job No 13736) was submitted with the application that indicates:

- On-site detention is not required for the subject development as the site is located near the lower end of the catchment and will connect to the internal drainage system that discharges directly to Caroline Bay.
- Nutrient/pollution controls for the proposal will be provided with the development. Stormwater 360 pit inserts are proposed to existing pits to be affected/amended by the proposal.
- On-site retention is proposed through the installation of 2 x 20,000 litre rainwater tanks for reuse within the proposed development and irrigation of landscaped areas.

These measures proposed within the WCMP are acceptable.

(g) Water and Sewer

The proposal will require a section 307 certificate under the Water Management Act 2000.

The proposed Library/Music/Drama Facilities building is not within the zone of influence of Council's water or sewer infrastructure."

(Refer Condition No 2.5)

Waste Management

Council's Waste management office has raised no objection to the proposal following the submission of a revised waste management plan.

(Refer Condition Nos 4.9 and 4.10)

Bushfire Protection

A small section on south east corner of the College site is identified by Council's mapping system as bush fire prone land. An educational establishment is identified as a special fire protection purpose under Section 100B of the Rural Fires Act 1997. However this small section of bush fire prone land is remote from existing school buildings and the site of the proposed new building on the site. The buffer area touches the edge of the existing playing field which is currently managed land and the vegetation which has been mapped incorporates largely mangrove vegetation.

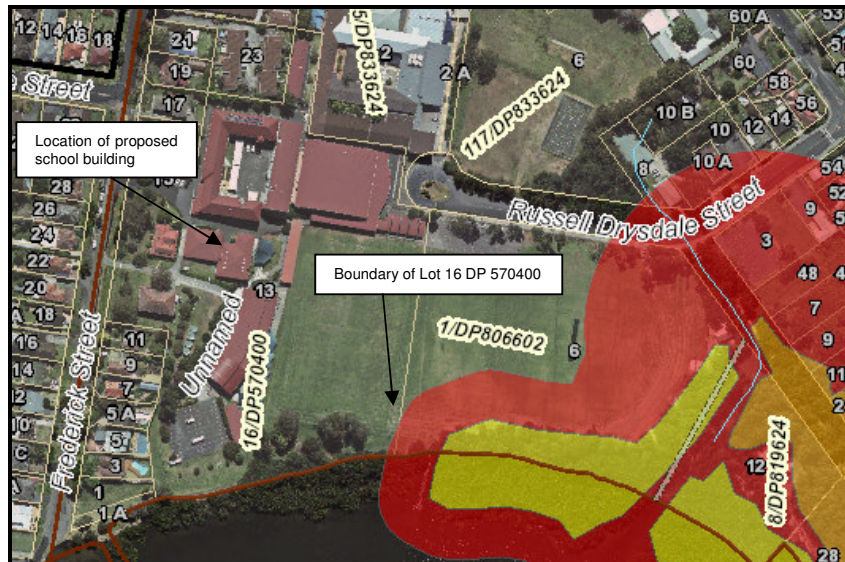


Figure 6: Bush Fire Prone Land Map: Red is buffer area

The RFS have previously advised for other applications for school buildings within the school site on Lot 16 DP 570400 that separate approval under s100B of the Rural Fires Act 1979 and referral as integrated development under s91 of the EP&A Act 1979 is not required.

The existing school buildings are located some distance away from the edge of the bushfire buffer area. The proposed building will be sited centrally within the school building area. The school project manager has advised that they already have emergency evacuation plans in place in the event of an emergency.

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.

Public Submission

One (1) public submission was received in relation to the application. Those issues associated with the key issues have been addressed in the above report. The remaining issues pertaining to various concerns were 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 submission is detailed hereunder.

1. Car Parking Provision and Traffic Impact

I have no objections to the new development that will be constructed within the school grounds and think it is fantastic that the school is getting the proposed facilities.

I am however concerned that there has been no allowance for parking spaces on Frederick Street or a school drop-off / pick-up zone on Frederick Street.

During peak times just before and just after school commences, Frederick Street becomes very congested with vehicles. The driveways of 18, 20 and 22 Frederick Street, Point Frederick are used as turning bays. I believe this could be hazardous to the elderly and infant children that live there.

In school hours vehicle parking is very congested between the existing Visitor Vehicular & Pedestrian Entry and 11 Frederick Street. It is common that vehicles park on residential lawns and partially obstruct driveways as there is no curb and guttering and no marked parking spots.

Would it be possible to include some marked parking bays on the eastern side of Frederick Street between the existing Visitor Vehicular & Pedestrian Entry and 11 Frederick Street and a school drop-off / pick-up zone.

Comment

The school has an existing shortfall in car parking under Council's current car parking requirements based on student/staff populations. However the proposal does not involve an increase in student or staff numbers and as a result no additional car parking is generated by the proposal. An informal overflow car park is available in the vicinity of the ex-basketball courts adjoining the northern side of the playing fields. Council's

development engineer has advised that the only road works required within Frederick Street, relate to the proposed widening of the southern vehicular access crossing to facilitate two way traffic movements. This will be appropriately conditioned under s138 Roads Act approval. RMS have raised no objections or requirements in relation to the proposal.

Conclusion

The application has been assessed in accordance with the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, relevant provisions under the Gosford Planning Scheme Ordinance, Draft LEP, relevant SEPPs and DCPs. The proposal raises no significant planning, environmental or amenity issues. The new building will be located centrally within the existing college campus and is compatible in bulk height and scale with existing school buildings. The proposal has an acceptable contextual relationship with the adjoining heritage item and is compatible with the character of the immediate locality. Identified physical site constraints do not pose any significant issues for the proposal.

The proposal provides a modern learning facility for the school comprising library staff drama and music facility which will bring together into one building improved facilities for the school's staff and students. The application is therefore recommended for approval.

RECOMMENDATION

- A The Joint Regional Planning Panel as consent authority grant consent to Development Application No 44061/2013 for Alterations and Additions to an Existing Educational Establishment (St Edwards College) including New Library, Music & Drama Facility & Demolition of Existing Library on LOT: 16 DP: 570400, 13 Frederick Street EAST GOSFORD
- B The applicant be advised of the Joint Regional Planning Panel's decision and of their right to appeal in the Land and Environmental Court under Section 97 of the Environmental Planning and Assessment Act 1979 six (6) months after the date on which the applicant receives notice in respect to Joint Regional Planning Panel's decision.
- C The objectors be notified of the Joint Regional Planning Panel's decision.
- D The External Authorities be notified of the Joint Regional Planning Panel's decision.

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 PMDL Architecture and Design
Landscape Plan by DEM Landscape Architecture

Drawing	Description	Sheets	Issue	Date
Project 2328				

DA100	Cover Sheet	0	A	July 2013
DA101	Part Site Plan/ Site Analysis	1	A	4 July 2013
DA102	Demolition Plan	2	A	4 July 2013
DA103	Floor Plan – LG level RL5.40	3	A	4 July 2013
DA104	Floor Plan – Ground Level RL 9.00	4	A	4 July 2013
DA105	Floor Plan – Level 1 RL 12.40	5	B	9 July 2013
DA106	Floor Plan – Level 2 RL15.80	6	A	4 July 2013
DA107	Roof Plan	7	A	4 July 2013
DA201	Elevations	8	A	4 July 2013
DA301	Site Selections	9	A	4 July 2013
DA302	Building Sections	10	A	4 July 2013
DA401	External Finishes	11	A	July 2013
la-0501	Landscape Plan		A03	4 July 2013

Supporting Documentation

Document	Title	Date
B515-007.dwg	Survey Plan (Insites Surveyors)	10.12.2012
Lada0001	Material Images Palette & Precedence (DEM) Rev A02	04.07.2013
SW01 to SW08	Stormwater Services Plans (G.J. Sparks and Partners) Revision A (8 Sheets)	June 2003
	Statement of Heritage Impact Report (NBRS+Partners)	July 2013
S13105RPI	Acoustic Report (Resonate Acoustics)	4 July 2013
	Stormwater Report (Spark & Partners)	July 2013
4298-00	Landscape Report (DEM)	4 July 2013
	Access for People with a Disability – Capability Statement (Cheung Access)	4 July 2013
	Waste Management Plan (D Yong)	19 July 2013

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 ANY CONSTRUCTION CERTIFICATE

- 2.1. No activity is to be carried out on site until any 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. Heavy-duty vehicle crossing (southern vehicle access crossing) in Frederick Street that has a width at the boundary to match the proposed widening of internal driveway and appropriately splayed, and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.

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

- 2.3. A dilapidation report must be submitted to Council prior to issue of any 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.
- 2.4. A security deposit of \$10,000 must be paid into Council's trust fund prior to the issue of any 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.
- 2.5. 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 any Construction Certificate. Contributions may be applicable to the Section 307 Certificate.
- 2.6. Design of the following engineering works within private property:
 - a. 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.
 - b. 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.
 - c. Piping of all stormwater from impervious areas within the site via nutrient/pollution control devices to the existing drainage system that discharges to Caroline Bay.

The design of these details and any associated reports shall be included in any construction certificate.
- 2.7. The proponent is to provide certification from the plan designer/architect that the facility has been designed to be consistent with the following above State Government publications prior to the issue of a Construction Certificate:
 - (a) *School Facilities Standards—Landscape Standard—Version 22* (March 2002),
 - (b) *Schools Facilities Standards—Design Standard* (Version 1/09/2006),
 - (c) *Schools Facilities Standards—Specification Standard* (Version 01/11/2008).
- 2.8. The proposed building shall be designed to achieve compliance with the acoustic requirements contained within the Acoustic Planning Report (Resonate Acoustics, No. S13105RP1, 4 July 2013). Noise emissions from mechanical services noise and activity related noise associated with the proposed facility to be controlled to meet the established criteria set out in section 5 of the report, subject to appropriate acoustic design at the design stage (i.e. acoustic performance criteria provided by the DEC School Facilities Standards, AS/NZS 2107:2000 and the AAAC Guideline for Educational Facilities Acoustics) Noise impact mitigation measures are required to be referenced at the design

stage of the proposed facility and are to be detailed on plans submitted with the Construction Certificate.

- 2.9. The proposed building shall be designed to achieve compliance with the recommended resolution requirements contained within the Access for People with a Disability Capability Statement (Cheung Access, 4 July 2013).
- 2.10. A detailed report regarding the development's compliance with the Building Code of Australia shall be submitted to the Principal Certifying Authority by a suitability qualified person.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Any 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. 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.

- 3.6. A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place.

If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the *Roads Act 1993* will need to be lodged with Council together with the associated fee.

- 3.7. Prior to commencement of any demolition work, the property's sewer connection must be disconnected at the Inspection Shaft and capped.
- 3.8. The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist. Friable asbestos (of any quantity) must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence.

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

Any such contract must indicate whether any non-friable 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 non friable asbestos material or friable asbestos material is to be delivered.

If the contract indicates that non friable 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.

The person having the benefit of the consent must provide the principal certifying authority with a clearance certificate to be prepared by a competent person such as a qualified hygienist at completion of asbestos removal/work from the site.

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW Work Health and Safety Regulation 2011).

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. To minimize the opportunity for crime, the development must incorporate the following:
- a Adequate lighting to AS1158 is to be provided to common areas, circulation areas and outdoor spaces.
 - b Landscaping adjacent to entrances and pathways must not provide for the concealment opportunities for criminal activity.
 - d The development must be designed to avoid foot holes or natural ladders so as to minimize unlawful access to the premises.
 - e Adequate signage within the development to identify facilities, entry/exit points and direct visitor movement within the school.
 - f The school is to be secured during out of school hours to restrict unauthorized access via fencing, gates, security doors and windows and alarm system.
- 4.4. Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.
- 4.5. 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.
- 4.6. 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.
- 4.7. 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'.
- 4.8. The Engineering works within private property that formed part of any construction certificate shall be constructed in accordance with the plans and details approved with any construction certificate.
- 4.9. The existing waste storage enclosure is to be screened from view in durable, complimentary materials from within the premises and public view.
- 4.10. Compliance with all commitments as detailed within the Waste Management Plan dated 19 July 2013 signed by D Yong.

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Application for any 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 any occupation certificate has been issued.

- 5.3. The driveway, vehicle manoeuvring area and all 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. 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 any 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'.

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

6.. ONGOING OPERATION

- 6.1. 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.
- 6.2. The operation of all mechanical plant equipment and machinery (i.e. air conditioning unit and/or heat pump) shall not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.
- 6.3. 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. Any water or sewer works are to be undertaken with the consent of Council. Application is to be made with Council under the provisions of Section 68 of the Local Government Act 1993 prior to commencement of any works on the site.

7.4. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.111.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- 7.5. 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.

- 7.6. 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.
- 7.7. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.

- 7.8. 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 Councils 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.

<<Insert Attachment Link/s Here >>