

## JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

### Assessment Report and Recommendation Cover Sheet

JRPP No	2016HCC013			
DA Number	48422/2015			
Local Government Area	Gosford City Council			
Proposed Development	New Junior School Building on Existing School Site (JRPP)			
Street Address	2-30 Narara Creek Road, Narara.			
Applicant Name	St Philips Cristian College.			
Owner Name	St Philips Christian Education			
No Submissions	Nil			
Regional Development Criteria (Schedule 4A of the Act)	Private Infrastructure and Community Facility greater than \$5 million.			
List of All Relevant s79C(1)(a) Matters	<ol style="list-style-type: none"> <li>1. Environmental Planning &amp; Assessment Act 1979 - Section 79C</li> <li>2. Local Government Act 1993 - Section 89</li> <li>3. Gosford Local Environmental Plan 2014</li> <li>4. Gosford Development Control Plan 2013</li> <li>5. State Environmental Planning Policy (SEPP) No 71 - Coastal Protection</li> <li>6. State Environmental Planning Policy (Infrastructure ) 2007</li> <li>7. Rural Fires Act 1997</li> </ol>			
List all documents submitted with this report for the panel's consideration	Plans			
	<b>Drawing</b>	<b>Description</b>	<b>Sheets</b>	<b>Issue</b>
	438-M01	Site Analysis Plan	1	-
	438-S09R1	Lower Level 2, Site and North East view	1	R1
	438-S10	Entry Level	1	-
	438-S11	Lower level 1	1	-
	438-S12	Elevations and Section	1	-
	438-S13	Roof Plan	1	-
	C1	Bulk Earthworks Plan	1	2
	C2	Erosion and sedimentation	1	2

		control			
	C3	Stormwater Drainage-Paved areas	1	2	17/8/2015
	C4	Stormwater Drainage and re-use	1	2	17/8/2015
	US 50318 LP	Landscape Plan	1/3	-	August 2015
	US 50318 LP	Details Sheet	2/3	-	August 2015
	US 50318 LP	Specification Sheet	3/3	-	August 2015
	Supporting Documentation				
	<b>Document</b>	<b>Title</b>			<b>Date</b>
	Ian Easton Project No 438	Statement of Environmental Effects			September 2015
	Clarke Dowdle & Associates	Bushfire Threat & Protection Assessment			August 2015
	Douglas Partners	Geotechnical Investigation Project 75957			September 2015
	Philip Chun	Access Review			4/9/2015
	Joel Price	Waste Management Plan			17/9/2015
	Economy Waste Group	Waste Management Plan			17/9/2015
	Vipac Engineers & Scientists	Noise Impact Assessment			26/2/2016
	Vipac Engineers & Scientists	Air Quality Assessment			26/2/2016
	Michael Fitzgerald	Water Cycle Management Plan			18/2/2016
Recommendation	Approval				
Report by	R Eyre				

## REPORT TO HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

**TITLE**            **DEVELOPMENT APPLICATION NO. 48422/2015**  
**APPLICANT: ST PHILIPS CHRISTIAN COLLEGE**  
**PROPOSED: NEW JUNIOR SCHOOL BUILDING ON EXISTING SCHOOL**  
**SITE ON LOT: 102 DP: 832279, 2-30 NARARA CREEK ROAD NARARA**

Directorate:        Governance and Planning  
Business Unit:     Development and Compliance

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### OLG GUIDELINES

As Gosford City Council (GCC) is in a Merger Proposal Period the NSW Office of Local Government *Section 23A Guidelines – Council Decision Making During Merger Proposal Period* (Guidelines) in relation to the decision making process are currently in operation.

The recommendation contained within this report is consistent with these Guidelines as set out below.

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)**

Private Infrastructure and Community Facility with a value of over \$5 million.

**Assessing Officer:** R Eyre

**Reviewing By:** Manager Development and Compliance  
Chief Executive Officer

**Application Received:** 18/9/2015    **Date of Amended Plans:** 29/2/2016

**Synopsis:** An application has been received for a new junior school on an existing school site.

The existing school caters for K-12. It is proposed to construct a new building on the southern side of the existing playing fields for K-4, and a new administration building. The new building may be constructed in 4 stages subject to funding and the additions have a floor area of 2540m<sup>2</sup>.

The number of car parking spaces will be increased from 90 to 95.

No public submissions were received.

The RMS and RFS have no objections to the proposal subject to conditions.

The application has been assessed against the matters for consideration detailed in 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979.

The proposal will not detract from the character or scenic qualities of the area or have unreasonable impacts on the environment.

All relevant matters under Section 79C of the Environmental Planning and Assessment Act, section 89 of the Local Government Act, the objectives of the zone and the principles of ecologically sustainable development have been considered and the proposal is recommended for **approval** subject to conditions.

**Zone:** Part 7(a) Conservation under IDO 122 and part SP2 Infrastructure under Gosford LEP 2014.

**Area:** 10.8 ha

**Topography:** Modified sloping land-existing school site

**Public Submissions:** Nil

**Employment Generating:** No    **Value of Work:** \$7,186,000.00

**Political Donations:** None declared

#### **Relevant Statutory Provisions**

8. Environmental Planning & Assessment Act 1979 - Section 79C
9. Local Government Act 1993 - Section 89
10. Gosford Local Environmental Plan 2014
11. IDO 122 Gosford
12. Gosford Development Control Plan 2013
13. State Environmental Planning Policy (SEPP) No 71 - Coastal Protection
14. State Environmental Planning Policy 9(Infrastructure) 2007
15. Rural Fires Act 1997

#### **Key Issues**

1. Gosford Local Environmental Plan 2014
2. Principal Development Standards
3. Acid Sulfate Soils
4. Climate Change and Sea Level Rise
5. Coastal Zone
6. Section 94 Contributions
7. External Referrals
8. Internal Referrals

#### **Recommendation**

Approval, subject to conditions

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## **REPORT**

### **Background**

Planning Proposal 60/2014 was lodged with the Department of Planning on 7 May 2014, and passed gateway determination on 22 May 2014. The Planning Proposal included the proposed realignment of the split zone boundary on the site to reflect the current school development.

The Planning Proposal was placed on public exhibition July-August 2015. On 24 November 2015 Council resolved to make the Local Environmental Plan with changes to the original

Planning Proposal following from the public exhibition process. One of the adopted changes included the rezoning of the part of Lot 102 DP 832279 which is not zoned SP2 Educational Establishment to be zoned E2 Environmental Conservation. This would have the effect of both correcting the zone boundary and bringing the whole of the property under Gosford LEP 2014.

The Local Environmental Plan has not yet been submitted back to the Department of Planning. A historical review of the DA consents for an educational establishment on this site has found that the school has not previously been subject to a cap on student or staff numbers

### The Site and Locality



Locality Plan

The site is located on the south-west corner of Narara Creek Road and Manns Road, Narara.

To the east, north and west are residential dwellings. To the south is a reserve and to the south of that is the west Gosford industrial area.

The site consists of a playing field on the corner of the site, with the existing school buildings located to the south and west diagonally across the site behind the playing field. The school occupies about 3 ha of the total site.

On the southern side of the site is steep, heavily vegetated land which provides a buffer to the industrial area.

The school currently provides K-12 classes and contains a long day care facility. There are 16 permanent and demountable buildings on the site with a total floor area of about 4976m<sup>2</sup>. There are 90 marked car parking spaces.

### **Proposal**

The proposal comprises the demolition of existing relocatable classrooms and staged construction of a new junior school building within the St Phillip's Christian College site.

It is proposed to construct the new building over four (4) stages for a number of reasons, including the need to respond to specific demand for classrooms and the award of government funding for the building. The staged construction of the building has been taken into consideration as part of this assessment.

Stage 1 is the western part of the proposed building for Kindergarten and Year 3.

Stage 2 is the centre part of the proposed building for Years 1 and 4.

Stage 3 is the eastern end of the proposed building for Year 2 and music/art rooms.

Stage 4 is the administration building on the southern side of the proposed building.

The proposal comprises a part two/part three storey building which incorporates administration and classroom facilities with associated landscaping works. The proposed building will be located on the southern side of the existing playing field.

The proposed building will be set back 76.5m from Narara Creek Road, and 21.8m from Manns Road.

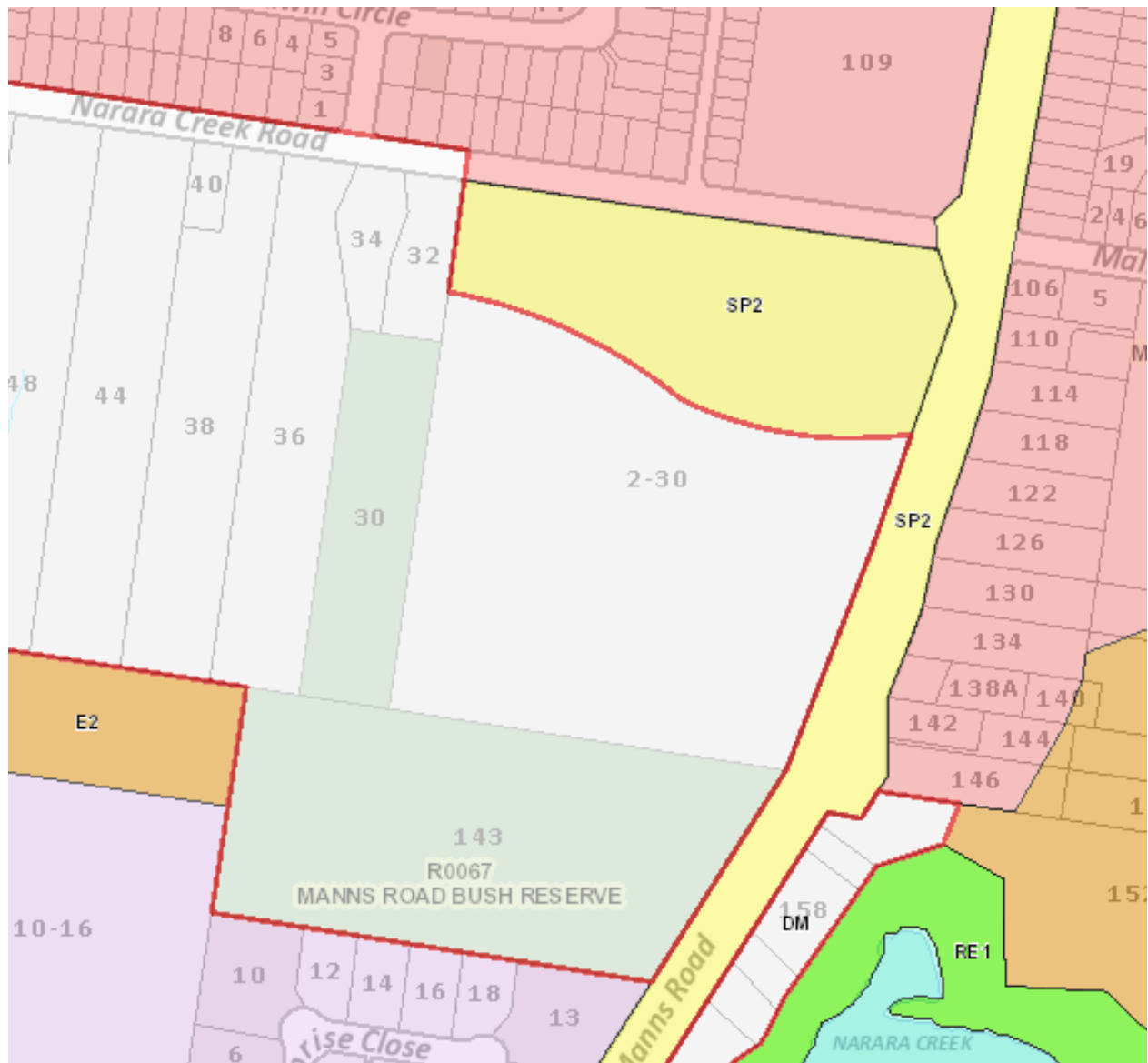
The proposed new building has a GFA of 2540m<sup>2</sup>.

### **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.

### **Gosford Local Environmental Plan 2014**

The land is zoned part 7(a) Conservation under Interim Development Order No. 122 (a deferred matter) and part SP2 Infrastructure (Educational Establishment) under Gosford Local Environmental Plan 2014. The extent of works proposed under this DA relate only to that part of the site zoned SP2 Infrastructure under Gosford LEP 2014.



Zoning Plan

The proposal is defined as an educational establishment and is permissible within the SP2 zone with development consent.

The objectives of the zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To ensure that development is compatible with the desired future character of the zone.*

In this instance, it is considered that the proposal is consistent with the stated objectives for the following reasons:

- The proposed development will provide facilities and uses consistent with the identified use of the site, being an educational establishment;
- The proposed development is compatible with the provision of infrastructure for the purpose of an educational establishment; and
- The development is compatible with the desired future character of the zone.



The proposal is also consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

### **Principal Development Standards**

Nil

### **Acid Sulfate Soils**

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of Gosford Local Environmental Plan 2014 have been considered.  
**(Refer Condition 3.5)**

### **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.

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

### **Coastal Zone**

The provisions of Clause 5.5 Gosford Local Environmental Plan 2014 and State Environmental Planning Policy (SEPP) No 71 - Coastal Protection require Council to consider matters in relation to the Coastal Zone. These matters have been considered in the assessment of this application and are considered consistent with the stated aims and objectives.

### **Section 94 Contributions**

The land zoned Part 7(a) Conservation under IDO 122 and part SP2 Infrastructure under Gosford LEP 2014 is subject to the following contributions plans:

- CP No. 5A – Narara – Drainage
- CP No. 5B – Narara – Roadworks and Traffic Management
- CP No. 5C – Narara – Community and Recreation Facilities

Contributions apply only to residential development. This application for new school facilities does not attract any development contributions.

### **State Environmental Planning Policy (Infrastructure) 2007**

State Environmental Planning Policy (Infrastructure) 2007, requires Consent Authorities to consider the following documents when determining development application for Educational Establishments;

- (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 Facilities Standards have been considered as part of this assessment. A condition has been included in the Consent requiring compliance with the Standards.

**(Refer Condition 2.2)**

### **Gosford Development Control Plan 2013**

The provisions of Gosford DCP 2013 have been considered in the assessment of this application. The proposal is generally consistent with the provisions of the DCP. Specific matters requiring detailed discussion are addressed below.

#### Chapter 6.3 Erosion Sedimentation Control

The application is not supported by an erosion and sediment control plan. Accordingly conditions of consent have been included to ensure adequate erosion and sediment control measures are implemented during each demolition and construction stage.

**(Refer Conditions 3.2 and 4.2)**

#### Chapter 6.4 Geotechnical Requirements for Development Applications

The application is supported by a Geotechnical Investigation by Douglas Partners Ref. 75957 and dated 9 September 2015. The Geotechnical Investigation provides the following summary:

- Risk Assessment – ‘Moderate’ with respect to deep seated failure, otherwise ‘Low’.
- Geotechnical inspections required during construction post development report also required.

The investigation also outlines a number of recommendations which must be implemented. The findings and recommendations of the Geotechnical Investigation report have been incorporated within the conditions of consent to ensure the development is undertaken pursuant to this advice.

**(Refer Conditions 2.7, 4.7 and 5.7)**

#### Chapter 7.1 Car Parking

Development for the purpose of an *educational establishment* and *child care centre* are required to provide parking at the following rate under the provisions of Gosford DCP 2013:

- Educational establishment:
  - 1 space per 1 staff place; and
  - 1 space per 10 year 12 students.
- Child Care Centre:
  - 1 space per person employed in connection with the use; plus
  - 1 temporary stand area at the rate of 1 car for each 6 children (a minimum of 5 temporary stand spaces).

There is no change to the existing child care centre which provides for 40 children and 7 staff.

The proposal will result in a future increase to 770 students with 78 staff and 28 year 12 students. On this basis car parking required is as follows:

- Staff spaces:  $78 + 7 \times 1 = 85$
- Student spaces:  $28 / 10 = 3$  spaces
- Child Care Centre:  $40 / 6 = 7$  temporary stand areas
- Total spaces: 95 spaces

Amended plans were lodged which provide 95 marked car parking spaces. Additional unmarked parking is available along the rear access road. Therefore car parking provision is considered to be adequate.

## **External Referrals**

### **NSW Rural Fire Service**

The proposal is integrated development under Section 91(1) of the EP&A Act, and was referred to the NSW RFS on 29 September 2015. The NSW RFS responded in a letter dated 4 November 2015, which acts as a 'bushfire safety authority' under Section 110B of the Rural Fires Act 1997. The RFS letter included a number of conditions to be included in any consent issued. These conditions have been incorporated into the recommended conditions of this report.

**(Refer Conditions 7.1-7.7)**

### **Roads and Maritime Service**

The proposal was referred to RMS on 25 September 2015 under the provisions of State Environmental Planning Policy (Infrastructure) 2007. RMS responded in a letter dated 14 October 2015, raising no objections to the proposal as it is considered there will be no significant impact on the nearby classified (State) road network. Notwithstanding, RMS requested that Council ensure the proposal incorporates appropriate noise attenuation measures, noting planning for the upgrade of Manns Road is underway.

The Noise Assessment Report concludes that the proposed building design is expected to achieve an acceptable noise environment internally within the property subject to compliance with the recommendations regarding glazing, roof and wall specifications.

**(Refer Condition 4.4)**

## **Internal Referrals**

### **Water & Sewer**

Council's Team Leader Water Assessment has assessed the application and in a note dated 28 September 2015 raises no objections to the proposal.

### **Engineering**

Council's Development Assessment Engineer has assessed the application and raises no objections to the proposal subject to relevant conditions being included in the conditions of consent.

**(Refer Conditions 2.3-2.6, 3.4, 5.5-5.6, 6.1 and 6.2)**

### **Health**

No objections subject to compliance with the recommendations in the noise report.

**(Refer Condition 4.4)**

### **Environment**

No objections to proposal.

## **Conclusion**

The proposed development seeks approval for the demolition of existing facilities and construction of a new part two/part three storey school building at 102 DP: 832279, 2-30 Narara Creek Road Narara. The proposal has been assessed and will not have significant impacts on the surrounding area.

All relevant matters under Section 79C of the Environment Planning and Assessment Act, Section 89 of the Local Government Act, the objectives of the zone and the principles of ecologically sustainable development have been considered and no objection is raised to the proposal subject to compliance with the conditions contained within the recommendation.

**Attachments:**   A    Proposed Conditions  
                       B    Plans

**Plans for Stamping:**

Original Lodged Plans ECM Doc No. 22423723

**Supporting Documents for Binding with consent:**

Document Name:	ECM Doc No.
Statement of Environmental Effects	21464518
Noise Impact Assessment	22246553
Air Quality Assessment	22267155
Bushfire Threat & Protection Assessment	21464492
Geotechnical Investigation	21464497
Access Review	21464491
Water Cycle Management Plan	22246559
Site Waste Management Plan	21464502
Waste Management Plan	21464499

**RECOMMENDATION**

- A. The Joint Regional Planning Panel as consent authority grant consent to Development Application No 48422/2015 for demolition and new junior school on existing school site on lot 102 DP 832279, 2-30 Narara Creek Road, Narara, subject to the conditions attached.
- B. The applicant be advised of Joint Regional Planning Panel 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 Council's decision.
- C. The External Authorities be notified of the Joint Regional Planning Panel decision.
- D. The consent be granted for five (5) years.

**ATTACHMENT A: PROPOSED CONDITIONS****1.. PARAMETERS OF THIS CONSENT****1.1. Approved Plans and Supporting Documents**

Implement the development 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 Ian Easton**

**Civil plans by Michael Fitzgerald**

**Landscape Plans by Forum Urban Sanctum Landscape Design**

<b>Drawing</b>	<b>Description</b>	<b>Sheets</b>	<b>Issue</b>	<b>Date</b>
438-M01	Site Analysis Plan	1	-	April 2014
438-S09R1	Lower Level 2, Site and North East view	1	R1	29/2/2016
438-S10	Entry Level	1	-	August 2015
438-S11	Lower level 1	1	-	August 2015
438-S12	Elevations and Section	1	-	August 2015
438-S13	Roof Plan	1	-	December 2015
C1	Bulk Earthworks Plan	1	2	17/8/2015
C2	Erosion and sedimentation control	1	2	17/8/2015
C3	Stormwater Drainage-Paved areas	1	2	17/8/2015
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US 50318 LP	Landscape Plan	1/3	-	August 2015
US 50318 LP	Details Sheet	2/3	-	August 2015
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**Supporting Documentation**

<b>Document</b>	<b>Title</b>	<b>Date</b>
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Joel Price	Waste Management Plan	17/9/2015
Economy Waste Group	Waste Management Plan	17/9/2015
Vipac Engineers & Scientists	Noise Impact Assessment	26/2/2016
Vipac Engineers & Scientists	Air Quality Assessment	26/2/2016
Michael Fitzgerald	Water Cycle Management Plan	18/2/2016

1.2. Carry out all building works in accordance with the Building Code of Australia.

1.3. The development being carried out in stages being;

- Stage 1 - Kindergarten and Year 3 building
- Stage 2 - Years 1 and 4 building
- Stage 3 - Year 2 and music/art rooms building
- Stage 4 - Administration building

All conditions apply to each stage except where indicated otherwise.

## 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. Compliance with the following standards;

- (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)*

2.3. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. 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. Pay a security deposit of \$7,200 into Council's trust fund. 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. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au). Early application is recommended.

2.6. Submit design details of the following engineering works within private property:

- a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
- b. A stormwater detention system must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 - Water Cycle Management and Council's Civil Works Specification. The stormwater detention system must 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 must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not

- permitted within private courtyards, drainage easements, and/or secondary flowpaths.
- c. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
  - d. On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - *Water Cycle Management*. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan shall accompany the design.
  - e. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Narara Creek Road.

These design details and any associated reports must be included in the construction certificate.

- 2.7. The excavation, footings and retaining walls shall be designed in accordance with the requirements of the Geotechnical Investigation prepared by Douglas Partners dated September 2015 Project No 75957.

### 3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
- a. The Principal Certifying Authority (if not 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 two (2) days before the building work commences.
  - b. Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days notice of the intention to commence building or subdivision work. The forms can be found on Gosford City Council's website [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)
- 3.2. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision 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.

Remove the sign when the work has been completed.

- 3.4. Submit to Council details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site. Approval of these details must be obtained from Council. Details must be provided at latter stages of construction if details change.

- 3.5 The preparation of an acid sulphate soil management plan in the event acid sulphate soils are encountered in any excavation or earthworks.

#### 4.. DURING WORKS

- 4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only 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. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.3. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.4. Compliance with the recommendations relating to building glazing, walls and roof specification contained in the Noise Impact Assessment prepared by Vipac Engineers and Scientists dated 26 February. 2016.
- 4.5. Should any Aboriginal objects or artefacts be uncovered during works on the site, all works shall cease. The Office of Environment and Heritage shall be contacted immediately and any directions or requirements complied with.
- 4.6. Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
- a. Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
  - b. Design of landscaping must not provide concealment opportunities for criminal activity.
  - c. Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
  - d. Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.



- 4.7. Inspection of all footings by a geotechnical engineer to confirm that target foundation strata is reached and pier holes are sufficiently clean, prior to pouring concrete.

## 5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. Completion of landscaping works prior to the issue of an Occupation Certificate for stage 3.
- 5.4. Construct, grade, drain, seal and line mark including directional arrows with impervious paving material the driveway, vehicle manoeuvring area and 95 car parking spaces as shown on the approved plan, in accordance with *AS2890.1-2004: Parking facilities - Off-street parking*, prior to the issue of an Occupation Certificate for Stage 4.
- 5.5. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 5.6. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.7. Submission of a report from a geotechnical engineer certifying that the development has been carried out in accordance with the Geotechnical Investigation prepared by Douglas Partners dated September 2015, Project No 75957.

## 6.. ONGOING OPERATION

- 6.1. Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
- 6.2. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.

## 7.. OTHER APPROVALS-NSW RURAL FIRE SERVICE.

- 7.1. At the commencement of building works and in perpetuity the property around the building to a distance of;
- 100 metres to the south east and
  - 60 metres to the south and south west, shall be maintained 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'.
- 7.2. Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.

- 7.3. All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
- 7.4. Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.
- 7.5. Arrangements for emergency and evacuation are to be included in the existing evacuation plan which shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- 7.6. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- 7.7 Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

## 8.. ADVICE

- 8.1. Consult with public authorities who may have separate requirements 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. *Ausgrid* 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.
- 8.2. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 8.3. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 8.4. Carry out all work under this Consent 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.
- 8.5. 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.1100.com.au](http://www.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.

- 8.6. Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.

## 9.. 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**

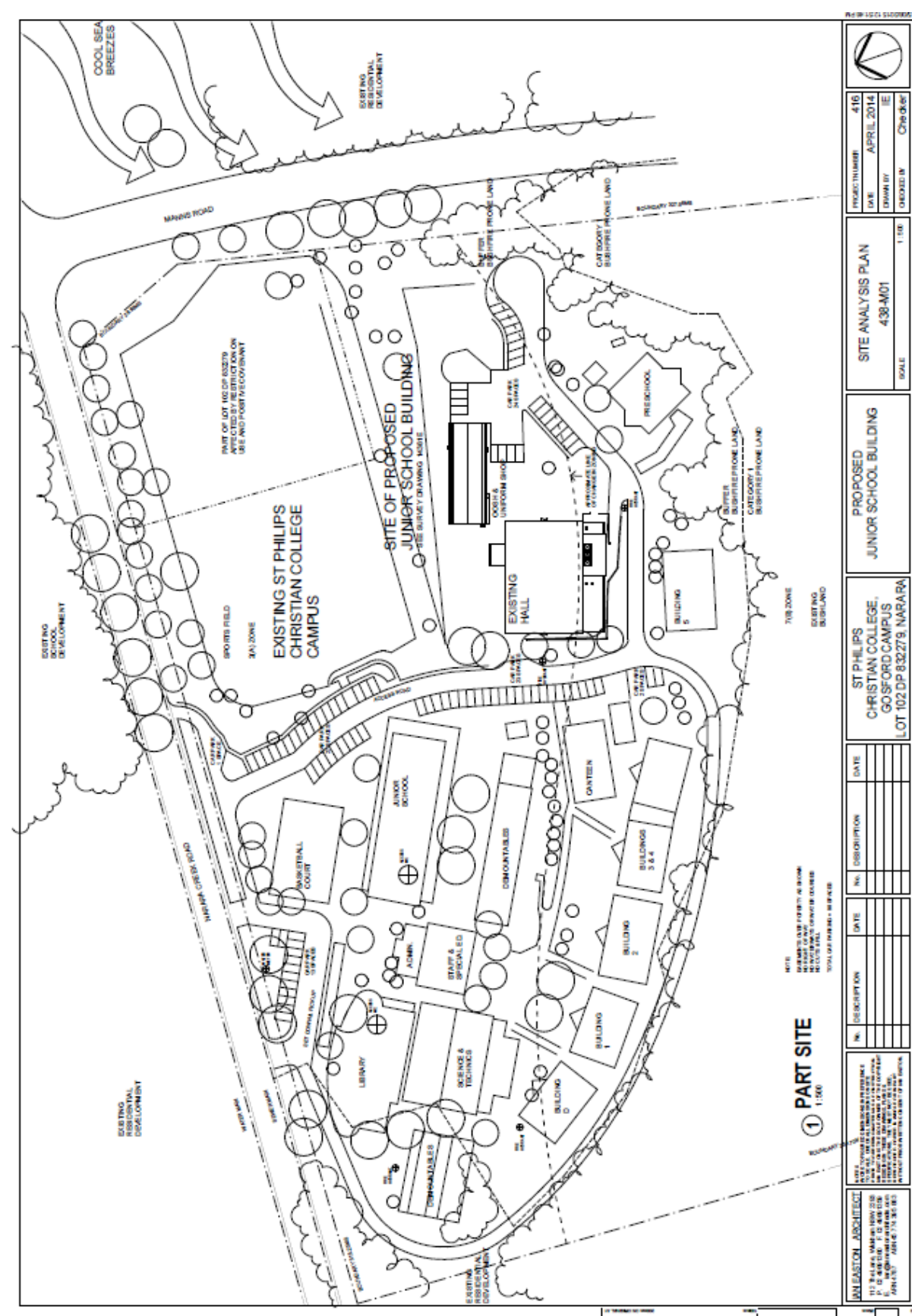
Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

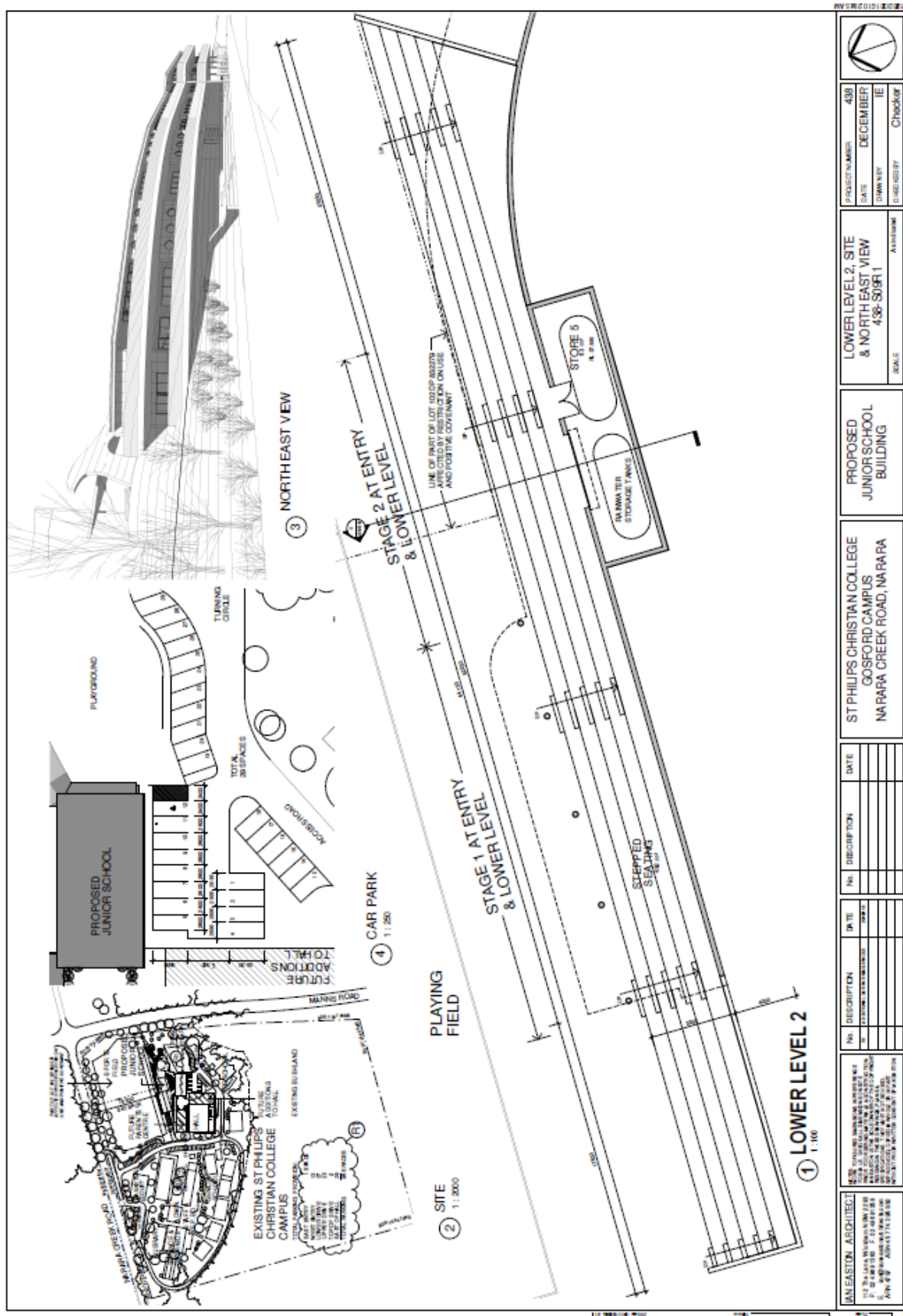
## 10.. RIGHT OF APPEAL

- 10.1. 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.

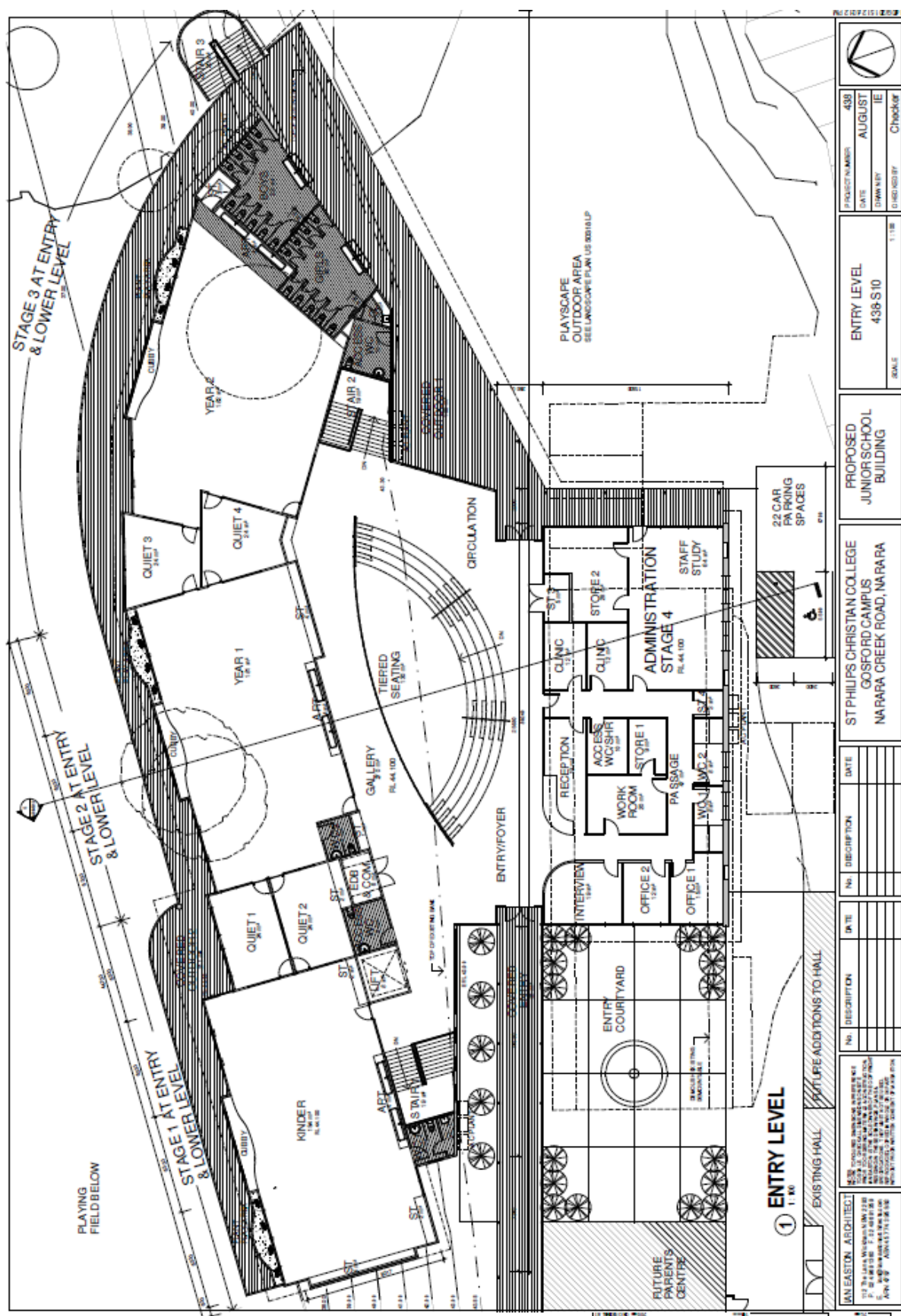
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

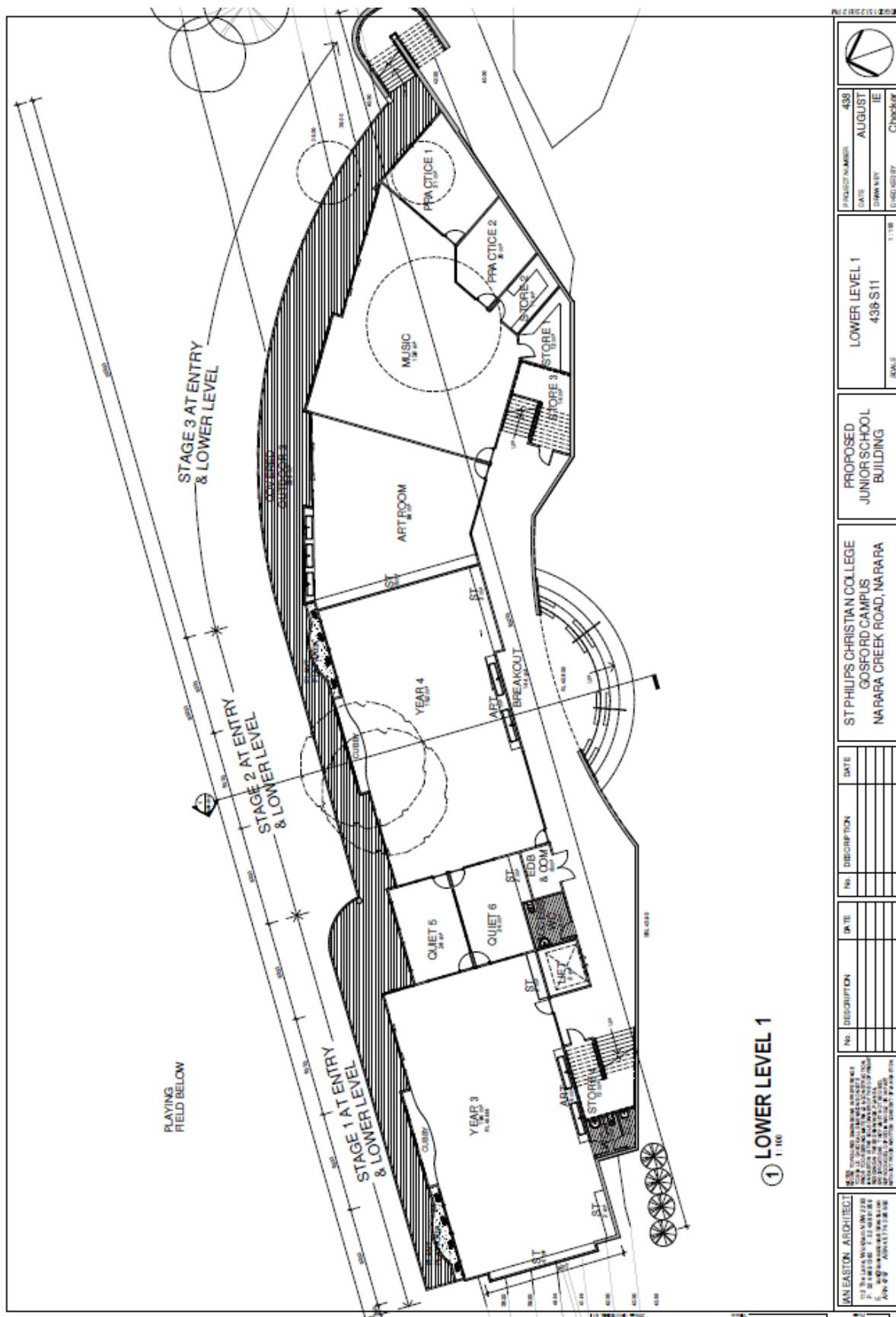
## ATTACHMENT B-PLANS



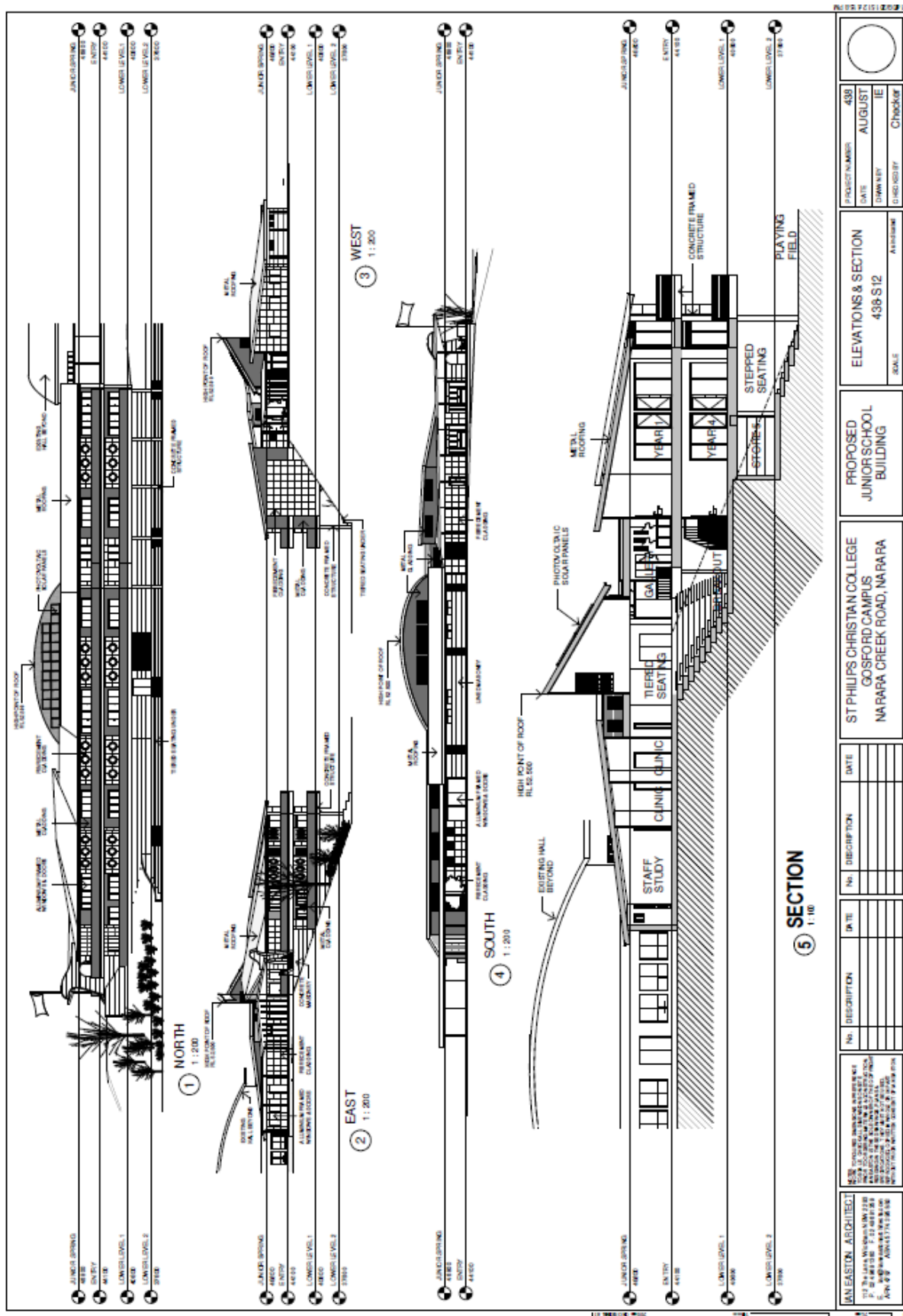


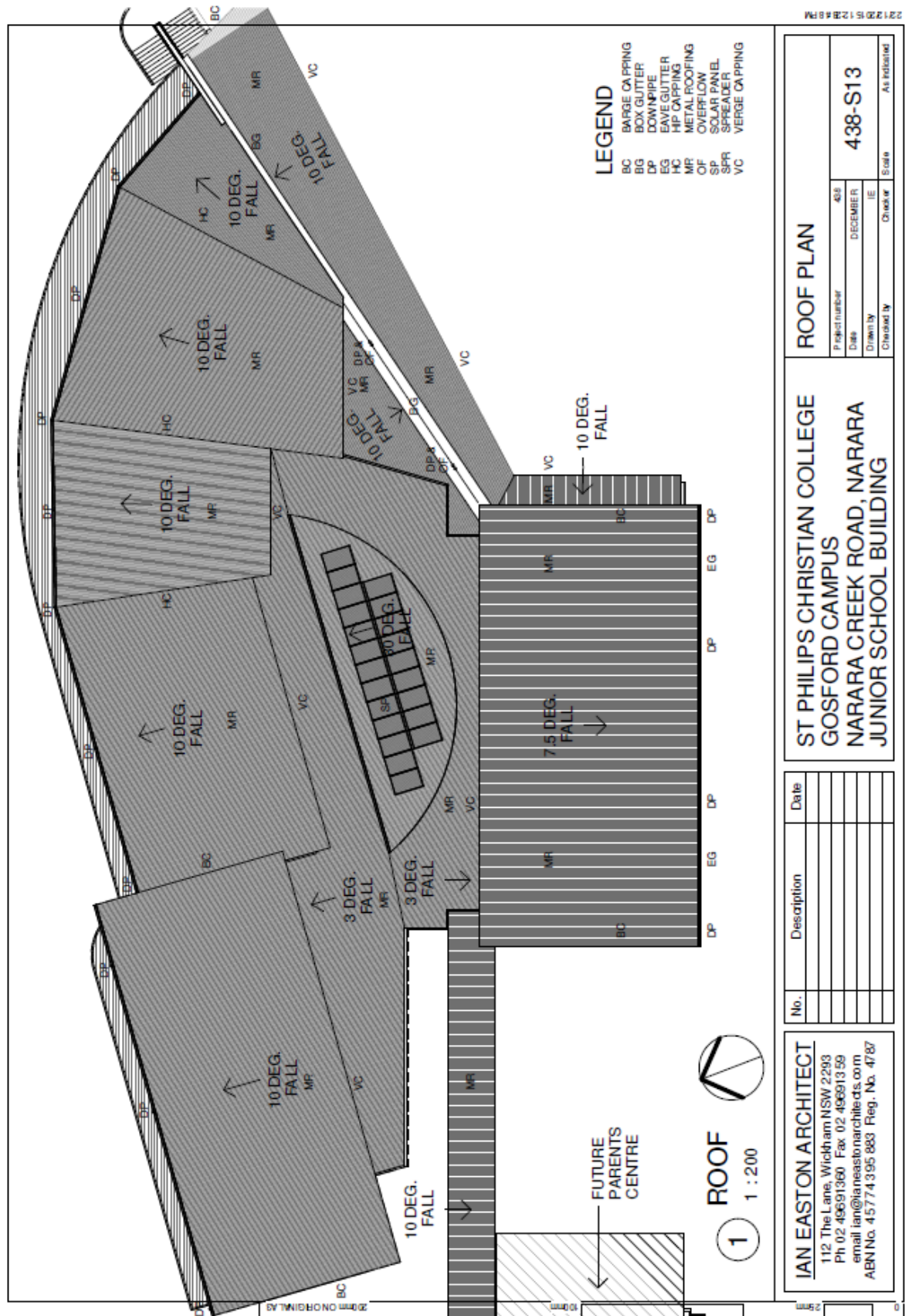


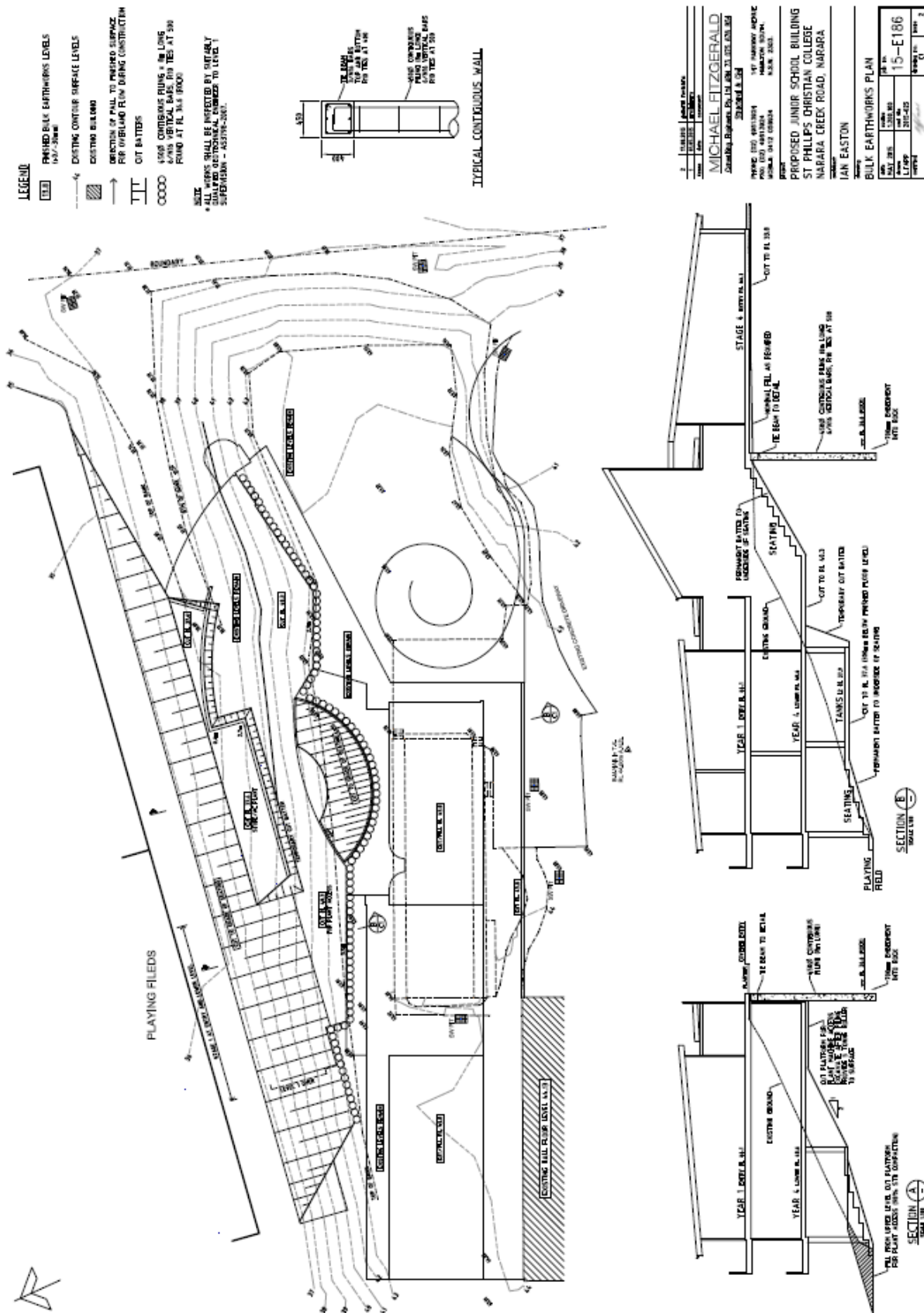


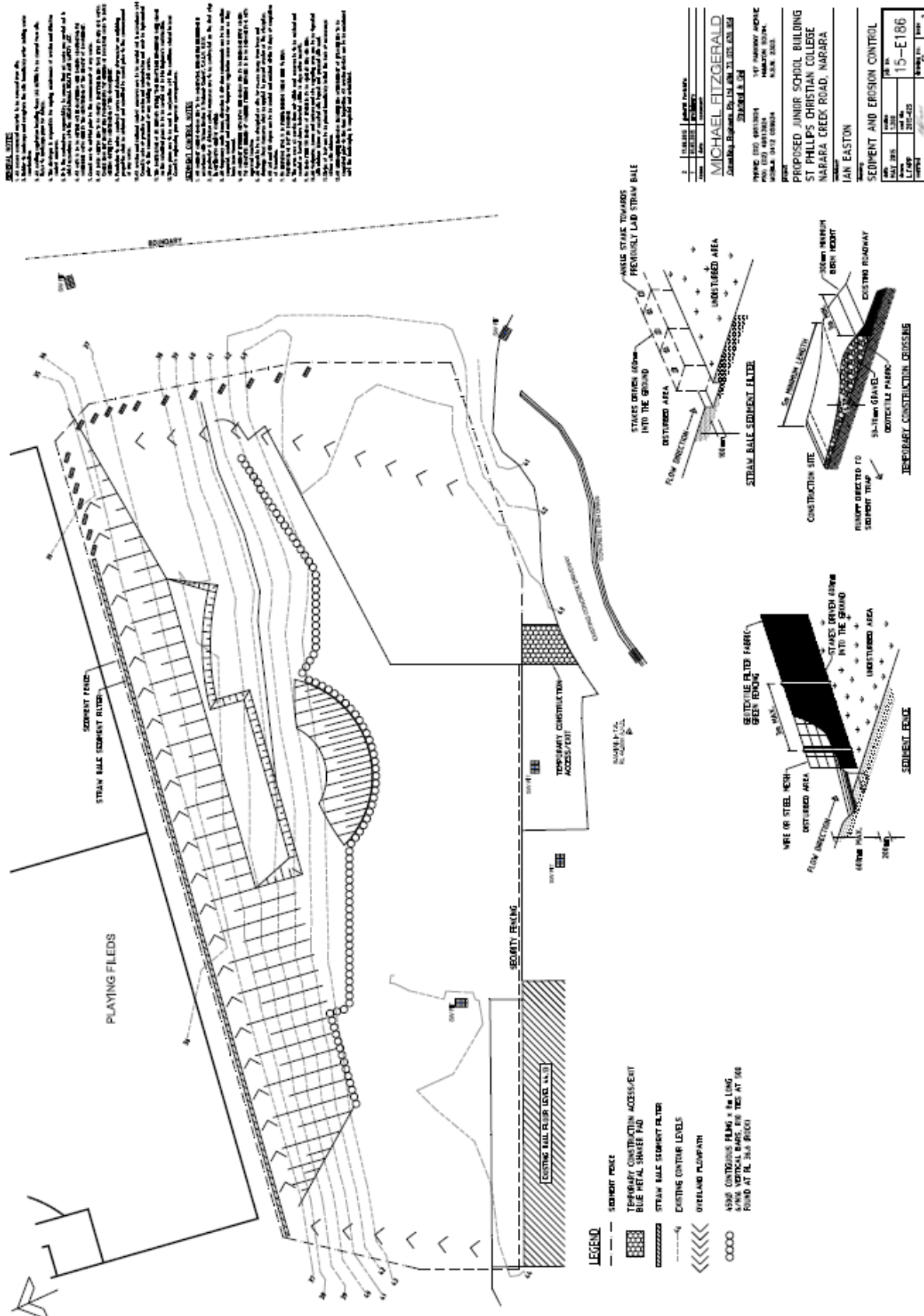




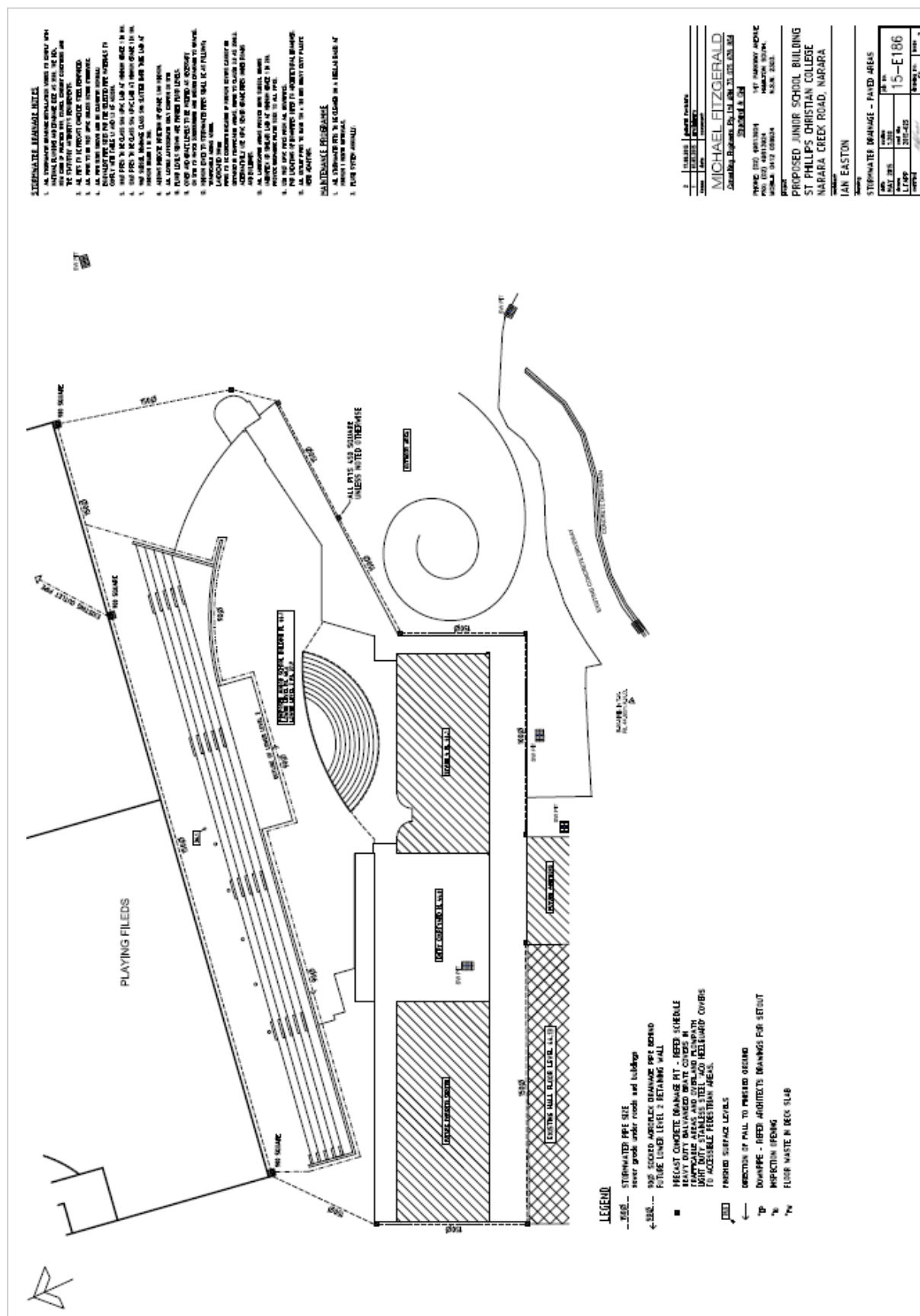


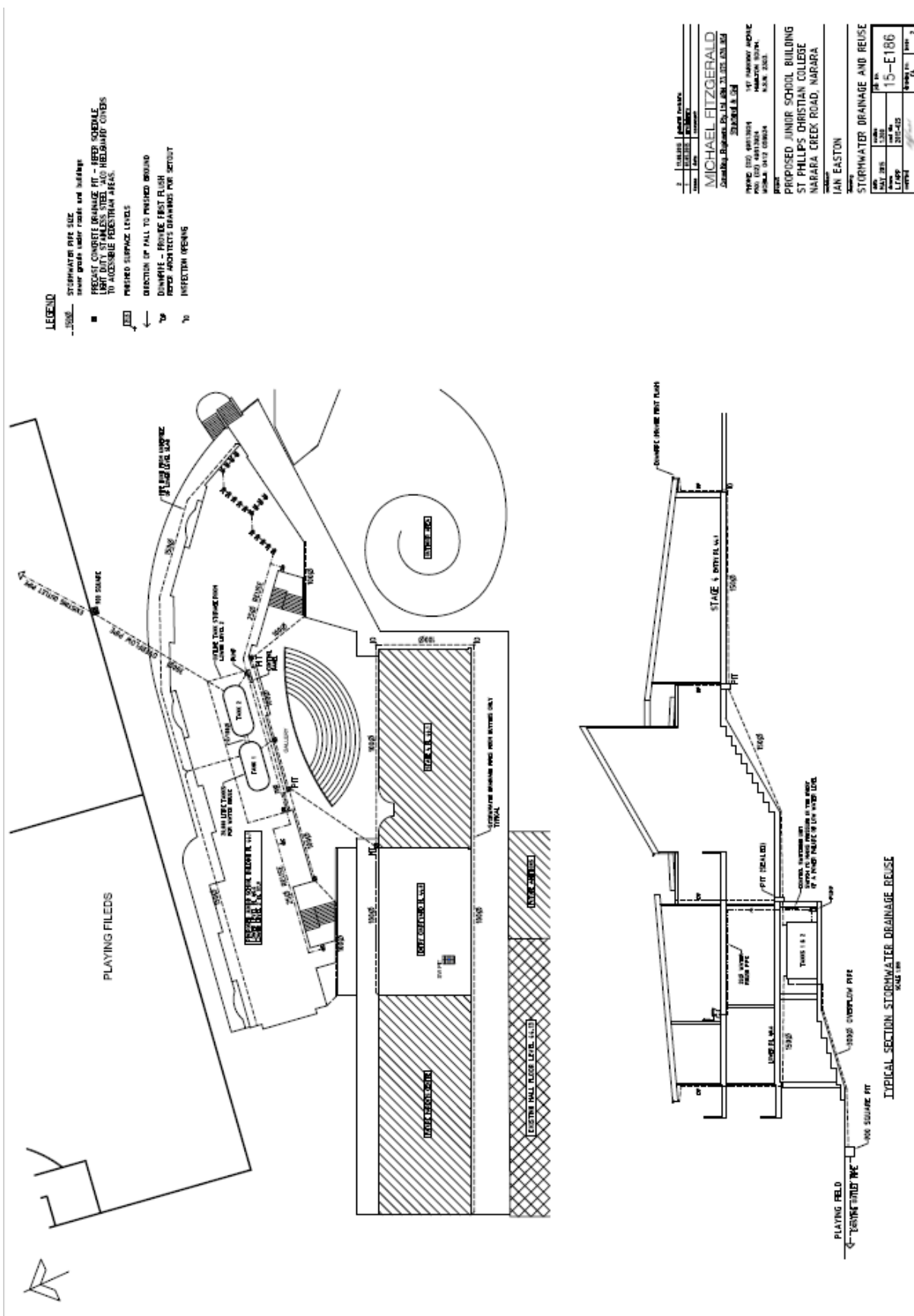






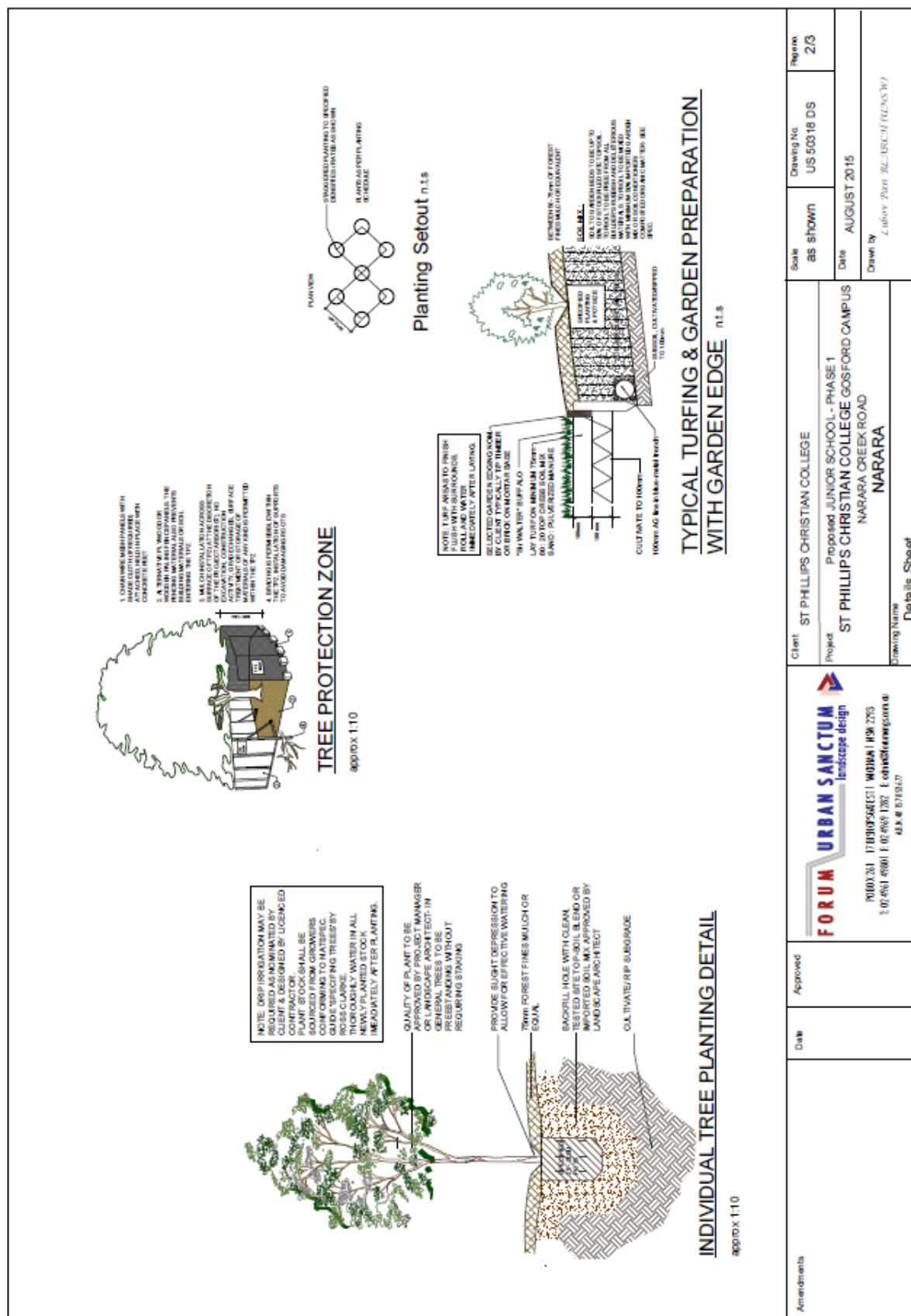












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