

DRAFT CONDITIONS OF CONSENT V3 – dated 13 July 2018

Development Application: 52629/2017

Proposed Development: Educational Establishment

Street Address: LOT: 12 DP: 589255, LOT: 11 DP: 589255, LOT: 2 DP: 545060, 9 Lea Avenue WAMBERAL, 5 Lea Avenue WAMBERAL, 11 Lea Avenue WAMBERAL

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: EJE Architecture – Project 11506

Drawing	Description	Issue	Date
02	Site Plan	11	07/08/2017
03	Site Analysis Plan	07	07/08/2017
04	Homebase Buildings – Ground Floor	09	07/08/2017
05	Homebase Buildings - First Floor Plan	09	07/08/2017
06	Homebase Buildings -Roof Plan	07	07/08/2017
07	Homebase - Elevations 1	08	07/08/2017
08	Homebase - Elevations 2	08	07/08/2017
09	Material Selections	06	07/08/2017
10	Homebase Buildings – Sections AA & DD	09	07/08/2017
18	Administration – Ground Floor Plan	07	07/08/2017
19	Administration – Roof Plan	07	07/08/2017
20	Administration – Elevations 1	07	07/08/2017
21	Administration and Hall – Sections	07	07/08/2017
22	Hall and SPED (E) – Ground Floor Plan	07	07/08/2017
23	Hall – Roof Plan	07	07/08/2017
24	Hall – Elevations 1	04	07/08/2017
25	Shadow Diagram June 21, 9am	03	07/08/2017
26	Shadow Diagram June 21, 12 Noon	03	07/08/2017
27	Shadow Diagram June 21, 3pm	03	07/08/2017

Landscape Plans by: Terras Landscape Architects – Project 11506.51

Drawing	Description	Issue	Date
01	Site Plan (and where amended by Tree Management Plan Dwg L01, dated 13/03/2018)	B	24/07/2017
L01	Tree Management Plan	1	13/03/2018

Supporting Documentation

Document	Prepared by	Date
Traffic and Parking Assessment Report Ref: PT17025r01 Final	Positive Traffic Pty Ltd	July 2017
Concept Stormwater Plan Ref: 255202-001-CV Rev 1 & 2 and Sedimentation Control Plan, 255202-001-CV Rev 1, 4 sheets,	Aurecon	18 July 2017 & 21 June 2017
Initial BCA Assessment Ref No 16-162	NewCert Pty Ltd	19 June 2017
Tree Target Risk Assessment Ref: 11506.5	Terras Landscape Architects	8 May 2017
Letter Landscaping Response, Ref No 11506-51	Terras Landscape Architects	8 May 2018
Ecological Assessment Report Ref: 16HNG_6125	Peak Land Management	June 2017
Bushfire Protection Assessment Ref: 16HNG_6125	Eco Logical Australia	28 June 2017

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the General Terms of Approval from the Authorities as listed below and attached to this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW Rural Fire Service	Bushfire Safety Authority	DA17082408917 RB	14 September 2017

- 1.4. Complete the following civil construction works within six (6) months of the occupation of the Homebase building in accordance with the design criteria stipulated in Condition 2.9 and Condition 2.10:
 - a) Staff car parking area adjacent the Lea Avenue frontage.
 - b) Access crossing within Council's road reserves.
 - c) Bulk bin storage area and service vehicle manoeuvring area within the site.

Upon completion of the above works, submit to Council documentation, certifications and Works-As-Executed drawings prepared in accordance with Council's Civil Construction Specifications.

2. PRIOR TO COMMENCEMENT OF ANY WORKS

- 2.1. All conditions under this section must be met prior to the commencement of any works.

- 2.2. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - That unauthorised entry to the work site is prohibited.
 - Remove the sign when the work has been completed.
- 2.3. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - could cause damage to adjoining lands by falling objects, or
 - involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

- 2.4. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- be a standard flushing toilet connected to a public sewer, or
 - have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - be a temporary chemical closet approved under the *Local Government Act 1993*.
- 2.5. Prepare a Construction Environmental Management Plan (CEMP), including a Traffic Management Plan (CTMP), Vehicle Movement Plan and Traffic Control Plan. The CEMP shall be prepared with the intention of causing minimal impact on the environment and operation of the road network during construction of the development. The Construction Environmental Management Plan is to provide for:
- Emergency response plan (pollution incident)
 - Waste management plan
 - Erosion and sediment control plan
 - Delivery and storage of materials
 - Worker's parking and amenities
 - Hours of construction
 - Noise and dust mitigation
 - Process of handling complaints
 - Crane permits (crane location plan)

- Describe the volume and type of traffic generated by the works including designed routes
 - Include measures to maintain the safe and efficient operation of the surrounding road network.
 - The Traffic Control Plan shall be prepared and implemented by a suitably qualified RMS accredited person to ensure safe legal and practical ingress and egress of vehicles to and from the site.
 - Any proposed Construction zones within Councils Road Reserves. Note: The "Construction Zones" require separate application and approval from Council.
- 2.6. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.

Contact Council prior to submitting these forms to confirm the relevant fees.

- 2.7. Submit a dilapidation report to Council. 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.
- 2.8. 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. Early application is recommended.

- 2.9. Submit an application to Council under section 138 of the *Roads Act 1993* for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's Civil Design Guide, Construction Specifications and Standard Drawings and Chapter 6.3 - Erosion Sedimentation Control of the Gosford Development Control Plan 2013. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a) The provision of access crossings within Lea Avenue to service the existing staff car parking area and driveway accessway in accordance with AS2890:1.2004 *Parking Facilities*. The works shall include the replacement of kerb and gutter at redundant vehicle crossings and footpath adjustments.

- b) The provision of a new 6 metre wide two-way vehicle access crossing to service the staff car parking area adjoining to the Lea Avenue carriageway. The access crossing shall include lane delineation, line marking and signage.
- c) The provision of a new two-way width vehicle access crossing to service the temporary builder's compound from the Tumbi Road carriageway. The works shall include adjustment to the existing retaining walls to ensure sufficient site distance in accordance with The Austroads Guide to Road Design and AS2890.2:2002 *Parking Facilities*.
- d) The connection of stormwater drainage pipelines from the new buildings, drainage systems and hardstand areas to the existing retention basin (dam) or alternatively across the Tumbi Road and Lea Avenue footway/footpath discharging into the kerb and gutter.

The Roads Act application must be approved by Council prior to commencing works in the road reserve.

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 Service Centre on (02) 4325 8222.

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

- a) The construction of a temporary builder's compound to accommodate all materials, plant and construction vehicles accessing from Tumbi Road. The area shall enable sufficient vehicle/plant manoeuvring in accordance with AS2890.2:2002 *Parking Facilities* to ensure all egress vehicular movements are in a forward direction.

The location of the temporary builder's compound and associated drainage works shall and avoid existing trees and be a minimum of 10 metres from the southern boundary of the site.

At the completion of the works, the compound shall be remediated to match the surrounding landscape at the commencement of works. The compound shall be landscaped with species identified in the Landscape Plan, prepared by Terras Landscape Architects.

- b) The reconstruction of the existing staff car parking area to accommodate **a minimum of sixteen (16) car spaces** in accordance with the AS2890.1:2004 *Parking Facilities*. The car parking area shall be adequately retained where necessary, sealed, line marked, appropriately sign posted, include lighting and connect to the new vehicle access crossings within Lea Avenue. The car park spaces shall also include the provision of wheel stops and safety barriers where required designed by a Structural Engineer. Note: All retaining structures and safety barriers shall be certified upon completion of the works by the designing Structural Engineer.
- c) The construction of a staff car parking area to accommodate **a minimum of twenty-five (25) car spaces** adjacent the western boundary of the site in accordance with the

AS2890.1:2004 *Parking Facilities*. The car parking area shall be adequately retained where necessary, sealed, line marked, appropriately sign posted, include lighting and connect to the vehicle access crossings within Lea Avenue. The car park spaces shall also include the provision of wheel stops and safety barriers where required designed by a Structural Engineer. Note: All retaining structures and safety barriers shall be certified upon completion of the works by the designing Structural Engineer.

- d) The construction of a dedicated waste storage and collection area to accommodate garbage service vehicles accessing from Lea Avenue. The area must enable sufficient service vehicle manoeuvring in accordance with AS 2890.2:2002 *Parking Facilities* to ensure all egress vehicular movements are in a forward direction.

Note: The waste storage and collection area shall also include the provision of safety barriers where required designed by a Structural Engineer. All retaining structures and safety barriers shall be certified upon completion of the works by the designing Structural Engineer.

- e) The preparation of a Road Safety Audit prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors of the design plans required by Condition 2.10(a-d). Any design deficiencies shall be identified and suitably addressed prior to the commencement of any works.
- f) 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.
- g) 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.
- h) On-site stormwater retention measures must be designed in accordance with *Gosford DCP 2013 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 must accompany the design.
- i) Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to the dam located within the site near the intersection of Tumby Road and Lea Avenue.

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

- 2.11. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 2.12. Establish Tree Protection Zones (TPZ) around trees to be retained. The distance from retained trees to the boundary of the tree protection zones can be determined by the following extract from AS4970-2009: Protection of trees on development sites:

"DETERMINING THE TPZ

The radius of the TPZ is calculated for each tree by multiplying its DBH x 12.

TPZ = DBH x 12

DBH = trunk diameter measured at 1.4m above ground

Radius is measured from the centre of the stem at ground level."

Erect a 1.8 metre high chain mesh fence between works and trees to be retained. Tree Protection Fencing must remain intact until construction is completed.

Sign-post fences "Tree Protection Zone" to warn of its purpose.

3. DURING WORKS

- 3.1. All conditions under this section must be met during works.
- 3.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7:00am and 5:00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 3.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- 3.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 3.5. 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.

- 3.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 3.7. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the Roads Act 1993.
- 3.8. All waste generated by the site preparation, demolition and construction activities to be sorted into separate waste streams with recyclable waste disposed of to a licensed recycling facility and mixed and/or residual waste disposed to a licensed landfill.
- 3.9. Removal of trees is restricted to trees located within the approved building footprints and as nominated for removal within the Tree Management Plan by Terras Landscape Architects, dated 13 March 2018. Trees must be removed in a manner so as to prevent damage to those trees that are to be retained.
- 3.10. A qualified Arborist (AQF 5) must be in attendance to oversee the works in relation to tree protection measures during critical stages, such as tree removal and excavation near trees to be retained.
- 3.11. Do not park or store materials, building waste, fill, excavated spoil, or cement within Tree Protection Zones.
- 3.12. Removal of hollow bearing trees and log habitat on the ground shall be undertaken under the supervision and guidance of a suitably qualified licensed wildlife specialist (e.g. Ecologist, WIRES Officer or Arborist).

A constructed nesting box will replace any hollows that will be destroyed at a ratio of 1:1. Prior to commencing tree removal, the nesting boxes shall be installed in trees as close as possible to those trees that will be removed.

Following the removal of hollow bearing trees, the specialist must notify Council's Environment Officer in writing of compliance with this condition within fourteen (14) days. Information provided shall include fauna observations, number, size and location of nest boxes installed.

- 3.13. Construct the food premises to comply with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the Building Code of Australia (BCA).

4. PRIOR TO OCCUPATION OF THE DEVELOPMENT

- 4.1. All conditions under this section must be met prior to occupation of the development.
- 4.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 4.3. 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.
- 4.4. Complete the Landscaping works in accordance with the approved Landscape Plans by Terras Landscape Architects.
- 4.5. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
 - a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*,
 - b) design of landscaping, adjacent footpaths, 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.
- 4.6. Submit a Certificate to Council from a practising Mechanical Engineer certifying that the construction, installation and operation of any exhaust hood ventilation system meets the requirements of Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings* and Australian Standard 1668.2:2012 *The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings* (including exhaust air quantities and discharge location points).
- 4.7. Notify Council upon completion of work, prior to trading commencing to enable the premises to be inspected by Council's Environmental Health Officer and for the premises to be registered with the Council as a food premises.
- 4.8. Complete the internal engineering works in accordance with Condition 2.10 (f)-(i).

5. ONGOING OPERATION

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

- 5.3. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 5.4. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 5.5. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 5.6. All waste to be separated into sealed mixed and recyclable sealed waste bins prior to servicing by a commercial waste contractor.
- 5.7. Waste bins to be stored in a designated waste bin storage area screened from view from within the site, adjoining premises and public view.
- 5.8. The waste storage area to be located to allow ready access by the commercial waste contractor with adequate waste vehicle manoeuvring room to allow the commercial waste vehicle to enter the site in a forward direction, safely traverse the site, manoeuvre to the waste storage area for servicing of bins and exit the site in a forward direction.
- 5.9. Bulk waste bin servicing shall be undertaken entirely within the site.
- 5.10. Operate and maintain external lights 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. 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.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities 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) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW 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.
- 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 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.
- Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au

- Ensure the proposed building or works comply 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. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.