

Draft Schedule of Conditions

ADMINISTRATIVE CONDITIONS

Development Description:

1. Development consent is granted only to carrying out the development described in detail below:
 - ***Educational Establishment (Addition - new two storey learning facility, twenty six space car park and landscaping)***

Prescribed Conditions:

2. The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of Environmental Planning and Assessment Regulation 2000 as are of relevance to this development.

Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No. 0857/18DA).

Plan No.	Version	Prepared by	Dated
DA 101, DA 102, DA 201, DA 202, DA 203, DA 401, DA 501	B	dwp	18 April 2018
DA 102	C	dwp	19 July 2018
P3480 – Sheet 1	009	Bitzios Consulting	17 July 2018

In the event of any inconsistency between conditions of this development consent and the plans referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:

Planning Documentation

- a) *Statement of Environmental Effects, prepared by Newton Denny Chapelle and dated April 2018.*
- b) *Engineering Services Report and Site Based Stormwater Management Plan, Revision F, prepared by Meinhardt and dated 23 August 2018.*
- c) *Bushfire Assessment Report, prepared by Land & Fire Assessments Pty Ltd and dated 18 April 2018.*
- d) *Ecological Assessment prepared by Land & Fire Assessment Pty Ltd and dated 18 April 2018.*
- e) *Preliminary Contaminated Lands Assessment prepared by Land & Fire Assessment Pty Ltd and dated 18 April 2018.*
- f) *Cultural Heritage Assessment prepared by Everick Consultants Pty Ltd and dated 31 May 2018*
- g) *Traffic Impact Assessment prepared by Bitzios Consulting and dated 23 August 2018*
- h) *Site Services Connection Statement, prepared by Meinhardt and dated 16 March 2018*
- i) *Preliminary Acid Sulfate Soils Assessment and Management Plan, prepared by Land & Fire Assessment Pty Ltd and dated 28 March 2018*
- j) *Building Code of Australia Review, prepared by Tecton Building Services and dated 16 February 2018.*

Inconsistency Between Documents:

5. In the event of any inconsistency between:

- (1) The conditions of this approval and the drawings/documents referred to in conditions 3 and 4, the conditions of this approval prevail; and
- (2) Any drawing/document listed in conditions 3 and 4 and any other drawing/document listed in conditions 3 and 4, the most recent document shall prevail to the extent of inconsistency.

ADDITIONAL DETAILS OR APPLICATIONS

Landscape Plan:

6. A detailed landscaping plan for the site, generally in accordance with the submitted concept landscape plan, being submitted to and approved by Council **prior to commencement of any construction.**

The Plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant. The Plan is to comply with Council's Landscaping Guidelines, and is to incorporate measures to ensure the maintenance and survival of the landscaping.

Equitable Access:

7. The building is to be provided with access and facilities for people with disabilities.

The applicants' attention is directed to the *Disability (Access to Premises - Buildings) Standards 2010* and the Building Code of Australia.

Details indicating compliance must be submitted to and approved by the Accredited Certifier **prior to commencement of any construction.**

Stormwater and Drainage Works Design:

8. Detail design plans of the stormwater drainage systems and treatment measures, generally in accordance with the concept drawings prepared by Meinhardt reference '117904 CSK1 (dated 18.04.18)' and '117904 CSK2 (dated 13.04.18)' as provided in Appendix D of the Meinhardt *Civil Engineering Report and Site Based Stormwater Management Plan* (dated 16.08.2018, rev E) are to be completed by a qualified practicing Civil Engineer and in accordance with the requirements of Council.

Details of the design shall be submitted to and approved by Council **prior to commencement of any construction.**

Existing Sewer Pump Station Capacity:

9. Details of the total sewer capability of the entire site must be submitted to Council for consideration **prior to commencement of any construction.** The assessment is to demonstrate the capacity of the existing sewer pump station located adjacent Hogbin Drive in the north-west corner of the lot to accommodate the proposed development.

If it is demonstrated that the main sewer pump station has inadequate capacity to accommodate existing and the proposed development, an upgrade of the pump station will be required. Design details of the upgraded system conforming to Council's Private Sewer Pumping Station Policy and Procedure must be submitted to and approved by Council **prior to commencement of any construction.**

New Private Sewer Pump Station:

10. Details of the new Private Sewer Pumping Station conforming to Council's Private Sewer Pumping Station Policy and Procedure to be submitted and approved by Council **prior to commencement of any construction** Submission is to be accompanied by a separate application and payment of prescribed fees.

Footpath Design:

11. The proposed new 'footpath' as detailed on the approved site plan DA101, Issue B, prepared by dwp and dated 18 April 2018 located adjacent the proposed car park and connecting to Hogbin Drive must be widened to a minimum width of 2.5m to form a shared pathway. The design is to comply with Council's Development Design and Construction Specifications.

The pathway location and design details being submitted to and approved by the Accredited Certifier **prior to commencement of any construction.**

Erosion and Sedimentation Control Plan:

12. An erosion and sediment control plan, together with a management strategy, detailing soil erosion and sediment control measures, shall be prepared by a qualified environmental or engineering consultant in accordance with the document Managing Urban Stormwater - Soils & Construction Volume 1 (2004) by Landcom. Details being submitted to and approved by the Accredited Certifier **prior to commencement of any construction.**

Fill:

13. Contour plans indicating the location of proposed fill areas in the development being submitted to and approved by Council **prior to commencement of any construction.**

Contour plans are to include a clear description of the impact of changes proposed on water movement both to and from the site on all adjacent land and to show stormwater discharge points.

Waste Management Area:

14. The waste bin area is to be enclosed and screened on three sides. The enclosure is to be of sufficient size to accommodate the needs of the development. The design and materials of the enclosure are to be compatible with the development. Details of the enclosure being submitted to and approved by Council **prior to commencement of any construction.**

Retaining Works:

15. A construction certificate is required for retaining walls exceeding 600mm in height. Timber retaining walls exceeding 600mm in height are not to be permitted within 1 metre of the boundary.

Licence for Access:

16. Evidence of an appropriate licence being in place to allow vehicle and pedestrian access over Lot 3 DP 811908 to benefit Lot 1 DP 1030262 being provided to Council **prior to commencement of any construction.**

Access Road and Car Park:

17. The new access road and car park must be designed in accordance with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies.

Design details of the new access and car park shall be submitted to and approved by the Accredited Certifier **prior to commencement of any construction.**

Noise Attenuation:

18. The development is to achieve an internal noise level not in excess of LAeq (1 hour) 40dB(A) when in use. Details demonstrating the development can achieve this requirement shall be submitted to and approved by the Accredited Certifier **prior to commencement of any construction.**

PRIOR TO COMMENCEMENT OF WORKS

Site Notice:

19. Prior to commencement of works a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:
 - (1) Details of the Authority for all stages of the development;
 - (2) The approved hours of work;
 - (3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and
 - (4) To state that unauthorised entry to the site is not permitted.

Sanitary Plumbing and Draining:

20. A separate application is to be made to Council by the licensed plumber and drainer prior to the commencement of any sanitary plumbing and drainage work on site.

DURING CONSTRUCTION

Approved Plans to be On-Site:

21. A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council.

Protection of Trees On-Site:

22. All trees on site that are to be retained are to be suitably protected in accordance with Australian Standard AS 4970-2009 '*Protection of Trees on Development Sites*' by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches, during construction of any stage of the project.

Protective Fencing:

23. Temporary protective fencing shall be provided for all protected vegetation during the construction phase. The fence shall extend from the critical root zone or 5 metres from the perimeter of existing indigenous vegetation. Protective fencing shall be installed prior to commencement of any works.

Protection of Drip Line:

24. The storage of any debris, materials or machinery is not to occur within the drip line of any protected vegetation.

Excavated Material:

25. Where excavated material is to leave the site it is to be disposed of at an approved landfill facility.

Alternatively, where it is proposed to dispose of the excavated material at another location no material is to leave the site until:

- Council has been advised in writing of the destination site(s); and
- Council has been advised of the quantity and makeup of the material; and
- Council has issued written approval for disposal to the alternate location(s).

Note: The exportation of fill or soil from the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the Office of Environment and Heritage "*Waste Classification Guidelines*" and shall comply with the terms of any approval issued by Council.

Waste and Contamination:

26. The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage "*Waste Classification Guidelines*".

Any new information that comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

Fill:

27. All fill is to be placed in accordance with the requirements of Council's Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

Erosion and Sediment Control (Implementation):

28. All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project, and until such time as all ground disturbance by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Dust Control Measures:

29. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (1) All materials shall be stored or stockpiled at the best locations;
 - (2) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
 - (3) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
 - (4) Cleaning of footpaths and roadways shall be carried out regularly; and
 - (5) Rumble grids being installed at access points to the site.

Hours of Work:

30. Construction works are to be limited to the following hours:

Monday to Friday	7.00 am - 6.00 pm
Saturday	7.00 am - 1.00 pm if inaudible from adjoining residential properties otherwise 8.00 am - 1.00 pm

No construction work is to take place on Sunday and Public Holidays.

Road Reserve to be Unobstructed:

31. The road reserve must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Cultural Heritage:

32. In the event that future works during any stage of the development disturb Aboriginal Cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the area and the material must be identified by an independent and appropriately qualified archaeological consultant. The Office of Environment and Heritage (OEH), Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups must be informed. These groups are to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the OEH and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

Acid Sulfate Soil Management:

33. The management actions outlined in Section 6.2 of the Preliminary Acid Sulfate Soil Assessment and Management Plan prepared by Land and Fire Assessments Pty Ltd and dated 28 March 2018 must be implemented in full. In addition, incorporation of the following should be considered in the management of soils during construction:
- (1) Consideration shall be given to impacts on adjacent areas of Potential Acid Sulphate Soils with regard to dewatering activities during earthworks and construction.
 - (2) Any stormwater collected within the bunded treatment area must not be discharged to the stormwater system without the results of quality testing which demonstrates that the water satisfies ANZECC and NEPM Guidelines, particularly with regard to suspended solids, pH, aluminium and related parameters (the water must not contain any visible sediments).
 - (3) All work undertaken on the site and with regard to implementing the Management Plan shall be undertaken in accordance with the sediment and erosion plan (*as per condition 12 of this approval*).
 - (4) Approval for any variations/deviations from the Management Plan is to be sought from Council prior to implementation.

Finished Floor Level (New Building):

34. The finished floor level of the ground floor of the building is to be a minimum of (3.85) metres Australian Height Datum and an accredited surveyor's certificate certifying such level is to be submitted to the Accredited Certifier prior to works proceeding beyond ground floor level.

Stormwater:

35. No new paving, excavation, filling or other work on the site is to interfere with the existing drainage system so as to pond or divert water onto adjoining properties.

PRIOR TO COMMENCEMENT OF USE**Stormwater Management Certification:**

36. **Prior to commencement of use of the development** the consultant design engineer shall issue a certificate to the Accredited Certifier to the effect that all stormwater design elements have been installed and complies with the approved design.

Landscaping Works:

37. **Prior to commencement of use of the development** a works as executed plan is to be submitted to the Principal Certifying Authority certifying that all landscape works have been carried out in accordance with the approved plan.

Car Parking Spaces:

38. Twenty six car parking spaces as shown on the approved plans being provided on the development site **prior to commencement of use of the development**.

All car parking and manoeuvring areas being constructed in accordance with the provisions of Australian Standard AS 2890.1 "Parking Facilities: Off-Street Car Parking" and the provisions of AS/NZS 2890.6:2009 "Parking Facilities: Part 6: Off-Street parking for people with disabilities".

Retaining Works:

39. Any excavation or fill, regardless of height must be suitably retained or stabilised **prior to commencement of use of the development**.

Existing Private Pump Station Upgrade

40. Any upgrade works required in accordance with Condition 9 are to be completed to the satisfaction of Council **prior to commencement of use of the development**.

Positive Covenant for New Private Sewer Pumping System

41. **Prior to the commencement of use of the development**, a positive covenant on title under Section 88B of the Conveyancing Act 1919 being registered on the title of Lot 1 DP 1030262, to the effect that:

The registered proprietor of the lot(s) hereby burdened will in respect of the on-site private sewer pumping system:

- (a) Maintain and repair at the sole expense of the registered proprietors the whole of the sewer pumping system so that it functions in a safe and efficient manner;
- (b) Permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant; and
- (c) Comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.

The expression "sewer pumping system" shall include all pump mechanisms, rising mains, collection sumps, ancillary pits, pipes, drains, walls, kerbs, pits, tanks, chambers, basins and surfaces designed as part of the disposal of the sewer pumping system to a gravity system.

Name of authority having the power to release, vary or modify the covenant referred to, is Coffs Harbour City Council.

Note: Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

- (a) In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to above; and
- (b) The Council may recover from the registered proprietor in a Court of competent jurisdiction:
 - (i) Any expense reasonably incurred by it in exercising its powers under subparagraph (a) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (a) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.
 - (ii) Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act. This covenant shall bind all persons who are of claim under the registered proprietor(s) as stipulated in Section 88E(5) of the Act.

Bushfire Safety - Evacuation and Emergency Plan:

42. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled 'A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan'. A copy of the plan shall be provided to Council and the local Bush Fire Management Committee **prior to commencement of use of the development**.

Access Road and Car Park Certification:

43. **Prior to commencement of use of the development** the consultant design engineer shall issue a certificate to the Accredited Certifier to the effect that the new access road and car park has been constructed in accordance with the approved design.

Noise Attenuation:

44. **Prior to commencement of use of the development** certification must be provided to the Accredited Certifier that any noise attenuation measures required by condition 18 have been implemented in the development

OPERATIONAL MATTERS

Car Parking Areas:

45. Car Parking areas are to be maintained in a serviceable condition at all times.

Landscape Works:

46. Landscaping is to be maintained in accordance with the approved landscape plans at all times.

Waste Management:

47. Provision being made on the site (*or within the premises*) for the separation of recycling and organic waste, including food waste and other putrescible wastes from the general waste stream in accordance with Council's requirements. The waste management practices of the premises should provide for the continued separation of recycling and organic waste from the general waste stream and ensure that the enclosure is maintained in a clean and tidy state.

Bushfire Safety:

48. At the commencement of building works and in perpetuity the property around the building to a distance of no less than 21 metres, shall be maintained as an "*Inner Protection Area*" (IPA) as outlined within Section 4.1.3 and Appendix 5 of "*Planning for Bushfire Protection 2006*" and the NSW Rural Fire Service's document "*Standards for Asset Protection Zones*". In this regard the Coffs Harbour Education Campus Asset Protection Zone Management Plan and Procedures document shall be amended to reflect the required 21 metre asset protection zone.
49. Water, electricity and gas are to comply with Section 4.2.7 of '*Planning for Bush Fire Protection 2006*'.

50. Landscaping to the site is to comply with the Principles of Appendix 5 of '*Planning for Bush Fire Protection 2006*'.
51. Internal property access shall comply with the following requirements of Section 4.2.7 of "*Planning for Bushfire Protection 2006*".
- internal roads are two wheel drive, sealed, all weather roads;
 - the car park layout allows for the turning of a fire fighting appliance via a loop road or reversing manoeuvre. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres;
 - traffic management devices are constructed to facilitate access by emergency services vehicle;
 - a minimum vertical clearance of four metres to any overhanging obstructions, including tree branches, is provided;
 - curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access or egress;
 - the minimum distance between inner and outer curves is six metres;
 - crossfall of the pavement is not more than 10 degrees;
 - roads are clearly signposted and bridges clearly indicate load ratings; and
 - the internal road surface and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

ADVISORY NOTES

Public Road Reserves:

52. No work is to be undertaken within a public road reserve without prior written approval from Council. Applications for such approval are to be accompanied by the necessary security deposit and must satisfy Council that adequate Public Liability Insurance has been obtained, with Council being nominated as co-insured.
