



Salli Pendergast
SSD-9439
PL/336/2018
22 October 2019

NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Property: 75 Warnervale Road, WARNERVALE
Description: Construction of a new Warnervale Public School
State Significant Development SSD-9439

Thank you for the opportunity to provide comments for the Environmental Impact Statement provided for the State Significant Development (SSD-9439) for a proposed New Warnervale Public School at 75 Warnervale Road at Warnervale.

The information in the EIS available on your website (through the Major Projects Portal) has been reviewed and the following comments and conditions are provided for your consideration.

Ecology

1. It is noted that the Biodiversity Development Assessment Report identifies the Squirrel Glider (*Petaurus norfolcensis*) as having a moderate likelihood of occurrence on the site. This should be correctly identified as a high likelihood of occurrence on the site and should be identified as a species reliably predicted to utilise the site. A single trapping period is not sufficient to confirm the absence of Squirrel Gliders. Given the known and well documented local population of Squirrel Gliders, including recent records from adjoining sites, the species should be assumed present on the site for the purpose of calculating species credits.

The squirrel glider is listed as a vulnerable species under the Biodiversity Conservation Act 2016. It is noted that there are currently no available species credits for the Squirrel Glider.

There are some other species which also stand out as not having been adequately surveyed and presence should be assumed and species credits retired including (but possibly not limited to):



- Large Forest Owls Breeding - based on hollow size present on site and lack of targeted owl survey in accordance with Threatened Biodiversity Database requirements.
 - Glossy Black Cockatoo Breeding - the Threatened Biodiversity Database considers breeding habitat to be “Living or dead trees with hollows greater than 15 cm diameter and greater than 5 m above the ground” and that foraging habitat constitutes “the presence of *Allocasuarina* and *Casuarina* species”. Both are present on site and there has been a very recent record of immature Glossy Black Cockatoo with a group on the adjoining site.
2. A north-south tree canopy corridor (preferably eastern side) is to be provided through the site to link with the vegetation and oval on the northern side of Warnervale Road. The corridor is to include native trees whose canopy provides a linkage for fauna through the site to Warnervale Road and should include replacement street tree planting with a large canopy to allow for a squirrel glider link between the tree canopies and vegetation located on either side of Warnervale Road. This corridor currently exists on site and needs to be retained to minimise potential for the existing squirrel glider population to be adversely impacted by the proposal.
- The subject site provides the best location for provision of this corridor in comparison to adjoining lots. Council is currently developing a Squirrel Glider monitoring program that will include survey of that vegetation surrounding Warnervale Oval.
- 3 Replacement planting and bush regeneration within the ‘biodiversity valued land to be retained’ located at the rear of the site in order to revegetate the (existing unauthorised) cleared area would need to be carried out. This area is Squirrel Glider habitat and part of an important conservation corridor for this species. For more information regarding the species refer to Council’s *Squirrel Glider Conservation Management Plan: Wyong Shire* which is available on Council’s website.
4. In relation to the BDAR for the proposal the following comments are made:
- Hollow replacement has not been addressed as a mitigation measure in the BDAR.
 - The BDAR includes very little detail about the future/long term management of the “avoid” lands.
 - The BDAR includes very little detail about the future/long term management of the “avoid” lands- Council would want these to be retained and managed as a corridor in perpetuity.

Recommended conditions have been included prior to commencement of work to address these matters.

Tree removal

- 5 Concern is raised regarding the extent of tree removal associated with the proposal. Replacement native tree planting to compensate for the loss of trees along the street front, within the street setback and areas adjacent to the side boundary (within proximity and view of the street) should be investigated and carried out.

The street trees also provide for a linking corridor of vegetation across Warnervale Road which is being impacted under the proposal. The squirrel glider glides between trees and the species is sensitive to habitat fragmentation when tree gaps exceed its gliding ability.

Transport/Traffic Engineering

6. It is recommended that the staff parking on the eastern boundary be changed to 90 degrees and eliminate the turning head (this will require a slight relocation of the buildings to the west). This will double the number of spaces in this carpark and possibly eliminate the need for staff parking in the western carpark. This will separate the staff and public carparks and increase the number of public spaces.
7. Its is recommended that the western carpark be redesigned so the set-down and pick-up is directly adjacent to the school as this will be a safety issue as students will be crossing the staff carpark. Eliminate the staff spaces and re-locate the median closer to the school to facilitate 90 degree angle parking both sides in the western carpark. Delete the turning head and increase the number of spaces.
8. The proposed boundary re-alignment will result in the western carpark becoming a Council asset. This is not supported.
9. The proposed roundabout will need to accommodate U-turns for buses.
10. The roundabout must be designed in accordance with the Austroads Guide to Road Design.
11. Detailed signposting and line marking will be required for submission to the Local Traffic Committee.
12. The provision of buses on the northern side of Warnervale Road is a good outcome from a safety and congestion aspect.
13. The bus bay on the southern side of Warnervale Road must be long enough to accommodate 3 buses with appropriate entry and exit tapers.
14. Buses parked on the northern side of Warnervale Road will obstruct sight lines from the driveways in the PM period.
15. The Transport and Accessibility report (6.3.1) estimates that the number of students that will be driven to school during the morning and afternoon peak hour periods will generate 262 vehicle movements, and that the 30 minute peak demand period will be 50% resulting in 131 movements. This may apply to the morning peak as arrivals are staggered, however, the afternoon peak will likely generate 262 vehicles in the 30 minute peak as parents will arrive just prior to the afternoon bell.

16. It is anticipated that the 30 minute peak movements in the afternoon (262 vehicles) will create significant congestion on Warnervale Road as the set down and pick up area will not cope with the anticipated traffic volumes and vehicles will queue onto Warnervale Road as there is no queuing space inside the carpark.

External road works

17. The extent of the proposed external works indicated are consistent with Council's expectation. The final extents will be a function of the detailed design.
18. A Road Safety Audit (for both internal and external as one project) is to be completed to inform of any issues of the proposed design that will result in redesign requirements.

Stormwater

19. The Department of Education will need to be comfortable with their position discharging stormwater to the downstream property. There will be a significant increase in the hardstand area within the school site and also a significant increase in the area of road pavement draining through the adjoining site. Whilst OSD is proposed there will be an increase in the period of time that storm water will drain through the adjoining site.

Access

20. There are potential issues relating to the adjoining site access. They may even wish to formalise this arrangement via negotiation or via easement rights.

Water and sewer

21. Water and Sewer issues will be dealt with through the Water Management Act process. Conditions to address this have been included.

Side and rear boundary interface

22. The site is located within a new release area and Wyong DCP Chapter 6.5 – 'Warnervale South' has an indicative road layout for the development of the area which includes proposed local roads along the side and rear boundaries of the site. The visual and physical interface of these site boundaries under the proposal in the context of these likely future public roads should be considered.

Developer Contributions

23. Section 7.11 Contributions are applicable and should be levied accordingly. A contribution for Roadworks (7A Precincts) and Studies of \$1,171,365.00 is applicable.

On a further note, the accompanying EIS identifies (under the consultation section) that Council has been involved in a number of meetings regarding the proposal at the request of the applicant, however, it is confirmed that no discussion involving ecological issues was held or requested by the applicant at these meetings.

Should you have any enquiries regarding the above matters, you may contact me on 4350 5545.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Salli Pendergast', written in a cursive style.

Salli Pendergast
Principal Development Planner
DEVELOPMENT ASSESSMENT

Recommended Conditions

Property: 75 Warnervale Road, Warnervale
Proposal: Construction of a new Warnervale Public School
 State Significant Development SSD – 9439

1. PARAMETERS OF CONSENT

- 1.1 Implement the development substantially in accordance with the plans and supporting documents as submitted by the applicant and as listed unless modified by any following condition.
- 1.2 Carry out all building works in accordance with the Building Code of Australia.
- 1.3 An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.
- 1.4 Where conditions of this consent require approval from Council under the *Roads Act 1993*, *Local Government Act 1993* or *Water Management Act 2000*, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 1.5 The area designated as public car park and set-down/pick-up area is to remain in Department of Education ownership and not dedicated to Council as Road Reserve. The drop off zone and public car park are to be within the boundaries of the school site. Plans are to be prepared demonstrating this change.
- 1.6 A north-south tree canopy corridor is to be provided through the site linking the vegetation from the retained vegetation corridor at the rear (south) of the site to street frontage (north) of the site. The corridor is to include native trees whose canopy provides a linkage for fauna through the site to Warnervale Road and should include replacement street tree planting with a large canopy to allow for a squirrel glider link between the tree canopies and vegetation located on either side of Warnervale Road.
- 1.7 The development's impacts on the squirrel glider will need to be adequately addressed in the BDAR. In this regard, the species should be assumed present on the site for the purpose of calculating species credits.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE OR SIMILAR CERTIFICATION

2.1 Submit to Council as part of the collective Roads Act Works Approval and internal works a Detail Design Stage Road Safety Audit prepared by a minimum Level 3 and Level 2 Road Safety Auditor who are registered on the NSW Register of Road Safety Auditors. No recommendations are to be made in the Road Safety Audit to address any identified deficiencies. Resolutions of the identified deficiencies are to be carried out in consultation with Council with sign off, of the corrective actions by Council prior to the issue of a Roads Act Works Approval and commencement of any internal works. This condition shall be identified in the Audit Report.

2.2 Pay developer contributions to Council as calculated in the formula below:

$$\text{Developer contribution} = \$1,171,365 \text{ (as at 23.10.19)} \times \text{Current CPI} \div \text{Base CPI}$$

where "Current CPI" is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and "Base CPI" is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 7.11 or 7.12 of the *Environmental Planning and Assessment Act 1979*.

2.3 The submission of a comprehensive signposting and line marking plan for submission to the Local Traffic Committee (LTC) for approval.

2.4 The submission to Council of Civil Works design drawings for external works (as generally indicated on the site context plan lower ground floor) and specifications detailing the following design requirements:

- Kerb and guttering for the full street frontage of the development.
- Horizontal and vertical road geometry.
- Road pavement construction adjoining the proposed kerb and guttering.
- Street stormwater drainage systems discharge point and treatment.
- Concrete footpaving for the full street frontage of the development.

- Pavement marking & signage.
- Pavement design.
- Vehicle access crossing(s).
- The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
- Any associated works to ensure satisfactory transitions to existing infrastructure
- The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate.
- Utility adjustments

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 2.5 The submission to the Accredited Certifier of a detailed stormwater management plan incorporating OSD and reuse. The plan must be prepared in accordance with *AS/NZS3500.3:2004*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.
- 2.6 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.

- Amendment to parking spaces to achieve geometric compliance with the parking for people with disabilities.
- The placement of clearance signage above the basement entry.
- Unsealed hardstand pavement area design catering for anticipated vehicle loading and containing at least 2% cement (by volume) stabilisation to limit scouring and siltation runoff.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

- 2.7 The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.
- 2.8 The developer must submit an application to Council under Section 305 of the Water Management Act 2000 for any requirements for the obtaining of a Section 307 Certificate of Compliance. The application must be made prior to the issue of the Construction Certificate. **Note:** The Section 305 Notice may contain requirements associated with the development that must be completed prior to the issue of the Construction Certificate.
- 2.9 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter. **Note:** The Section 306 Notice may contain requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1 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:
 - 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 can be contacted outside of working hours; and

- c) That unauthorised entry to the work site is prohibited.
- d) Remove the sign when the work has been completed.

3.2 Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- diverting uncontaminated run-off around cleared or disturbed areas, and
- preventing the tracking of sediment by vehicles onto roads, and
- stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3.3 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:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) 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.

3.4 Prior to commencement of construction or site works, a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication "Managing Urban Stormwater: Soils and Construction – Volume 1" (the Blue Book). Sediment control fencing must remain in place until such time as the site is landscaped or turf is established.

Note: 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.

3.5 Prior to commencing any works upon public roads the developer and their contractor will be required to:

- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
- Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
- Arrange a meeting on-site with Council's Principal Development Construction Engineer on 1300463954.

- 3.6 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 3.7 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.
- 3.8 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 3.9 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - Gas Authority for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;

- Telstra, Optus, NBN or other telecommunication carriers for access to their telecommunications infrastructure.
- 3.10 Prepare an Unexpected Finds Protocol detailing how unexpected contamination encountered within the site during future development works will be managed. The Unexpected Finds Protocol must be prepared by a suitably qualified environmental consultant.
 - 3.11 Prepare a Tree Protection Plan to the satisfaction of the Consent Authority. The Plan must be prepared by a qualified Arborist (AQF 5), providing details of Tree Protection Zones and Tree Protection Measures to be taken during demolition and construction.
 - 3.12 Evidence of the retirement of the ecosystem and species credits required by the consent is to be provided to the consent authority prior to commencement of any works. *[It is assumed that other standard conditions would apply regarding retirement of a specified number and type of credits, depending on the final BDAR]*
 - 3.13 Prior to commencement of any works, a site specific Biodiversity Management Plan must be prepared to the satisfaction of the consent authority. The Biodiversity Management Plan may form part of a Construction Environmental Management Plan and shall address the following:
 - a. The Biodiversity Management Plan must identify the development site as per the Biodiversity Development Assessment Report and approved plans.
 - b. The Biodiversity Management Plan must identify areas of land that are to be retained as outlined in the Biodiversity Development Assessment Report.
 - c. Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the Biodiversity Development Assessment Report.
 - d. The Biodiversity Management Plan must identify all measures proposed in the Biodiversity Development Assessment Report to mitigate and manage impacts on biodiversity, including performance measures for each commitment.
 - 3.14 Submit a Hollow Replacement strategy to Council's Ecologist prior to commencement of works. The strategy is to include a combination of salvaged hollows, creation of artificial hollows in living trees and durable nest boxes. Details are to include information regarding hollow bearing trees to be removed (location, number, aspect of hollow, height), nest boxes (number, type, thermal insulation, thickness), location, installation methods and the recommended monitoring/maintenance program. Nesting boxes must be installed at a ratio of two boxes for every hollow that is removed or

alternatively constructed (chainsaw) hollows and/ or salvaged hollows can be installed at the same ratio to that of the hollows being removed.

Ensure that no less than 50% of the required number of nesting boxes, artificial hollows or salvaged hollows are installed at least two weeks prior to the commencement of clearing, with all appropriate documentation has been submitted to and approved by Council's Ecologist prior to commencing clearing works

Detail a monitoring program for nest boxes/salvaged hollows to determine their usage and to carry out repairs or replacement (as required). Monitoring is to occur every six (6) months for a minimum period of five (5) years following installation. Monitoring reports are to be prepared by the Ecologist and forwarded to Council by the 30th June each year.

- 3.15 Submit a Vegetation Management Plan to Council's Ecologist prior to commencement of works for all areas of retained vegetation and trees on Lot 71 DP 7091, 75 Warnervale Road Warnervale. The Vegetation Management Plan must be prepared to Council's satisfaction. The Vegetation Management Plan must be prepared by a suitably qualified Ecologist in accordance with the *"Central Coast Council Flora and Fauna Guidelines 2019"*.

The Vegetation Management Plan must:

- Protect and enhance Squirrel Glider corridors on the site, including a minimum 60 metre width east-west corridor at the rear of the site and a north south corridor linking across Warnervale Road to Warnervale Oval.
- Integrate with other relevant plans
- Recommend management actions to be undertaken during clearing, construction works and post construction.
- Clearly stage management actions to identify works required prior to commencement of construction works, during works, prior to subdivision certificate and ongoing.
- Include a protocol to prevent the transfer of weeds or pathogens onto or off the site.
- Detail ongoing reporting requirements.
- Be prepared by a suitably qualified and experienced restoration ecologist.
- The maintenance period for the Vegetation Management Plan is to be a minimum of five years, but the actions are to be implemented in perpetuity.
- Aiming to achieve the following outcomes by year 5 being:
 1. Less than 2% woody weed cover in any 1000m2 of the subject site;
 2. Less than 20% exotic ground cover in any 1000m2 of the subject site;

3. Close canopy gaps in the corridors. If replanting is required, that replanted canopy species achieve a median height of no less than three metres;

Progress reports are to be submitted to Council's Ecologist by the 30th June each year for a minimum of 5 years after the commencement of works. Reports are to detail the progress of the works and any recommended additional actions, with a final report certifying completion of the Vegetation Management Plan at the end of the implementation period, or once the specific objectives of the plan have been met. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

The primary objective of the Plan is weed management, regeneration of the native vegetation and supplementary native plantings for the benefit of the local flora and fauna as well as habitat values, threats and ameliorative measures to ensure protection for threatened species.

4. DURING WORKS

- 4.1 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.

- 4.2 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 and 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*.

- 4.3 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.

- 4.4 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.
- 4.5 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*.
- 4.6 Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, communications provider) for the supply of services concurrently with the engineering work approved by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.7 During construction works, all cut or fill is to be constructed in such a manner that surface water will not be permanently or temporarily diverted to adjoining land and so that natural drainage from adjoining land will not be obstructed or affected.
- 4.8 Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.9 Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 4.10 Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.11 Immediately notify Council of any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination and remediation. The development is to be carried out in accordance with the adopted Unexpected Finds Protocol
- 4.12 Carry out the development in accordance with the adopted CEMP.
- 4.13 Supervision by a suitably qualified Ecologist is required for all vegetation clearing and construction works. The Ecologist must:
 - Mark trees for retention and removal
 - Supervise the installation of fencing around any conservation areas

- Provide an environmental induction to civil contractors and subcontractors
- Supervise clearing, removal of habitat trees and earthworks

The Ecologist must provide updates in writing to the certifier upon completion of the above environmental control measures.

- 4.14 Install and maintain a temporary fence around the vegetation to be retained and protected. The fence must be maintained for the duration of construction works.

All fenced conservation areas are to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.

- 4.15 Implement the following fauna welfare measures during clearing:

- *Supervision by Ecologist*

Removal of hollow bearing trees and log habitat on the ground must be undertaken under the supervision and guidance of a suitably qualified Ecologist or licensed wildlife handler.

- *Pre-Clearing Inspection*

The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use.

- *Staged Clearing*

Staged removal is to include clearing of understorey vegetation and non-hollow-bearing trees in Phase 1 and removal of hollow-bearing trees in Phase 2. There is to be a minimum of 24 to 48 hours between Phase 1 and Phase 2.

- *Fauna Welfare*

Prior to the felling of hollow bearing trees, hollows are to be visually inspected. Should a threatened species be positively identified, all clearing works are to cease and the advice of the Office of Environment & Heritage must be sought. When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling, or the hollows are to be blocked with rags or similar material and the hollows sectionally dismantled and lowered carefully to the ground. The Ecologist is to work in conjunction with the machinery operator to identify the most benign method of dislodging fauna and for felling trees. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist. Any fauna rescued during vegetation clearance is to be assessed for injuries and, if unharmed, subsequently released into suitable nearby habitat. Captured fauna may be held until dusk prior to release in accordance with relevant animal ethics licensing and standards. If any fauna are injured during vegetation clearing they are to be taken promptly for treatment to a nearby veterinarian or wildlife carer.

- *Nest Boxes*

A salvaged hollow or nesting box will replace any hollows that will be destroyed at a ratio of 2:1. Prior to commencing tree removal, the salvaged hollow/nesting boxes must be installed in trees as close as possible to those trees that will be removed. The final number of nest boxes to be installed will need to be calculated once the number of salvaged hollows is determined. Hollows/boxes must be installed across a sufficient area so as not to exceed natural hollow densities for target species.

- *Reporting*

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

- *Sugar/Squirrel Glider Habitat*

Clearing of native vegetation or trees is to be carried out in accordance with the clearing protocol outlined in the Squirrel Glider Conservation Management Plan (Smith, 2002).

4.15 Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity. Non-provenance specific material is prohibited. The Landscape Plan is to integrate with the required Vegetation Management Plan.

4.16 Utilise timber from felled native trees by:

- Re-instating logs as ground habitat in areas of retained vegetation, and/or
- Wood chip or tub grind into mulch for landscaping, soil stabilisation or bush regeneration, and/or
- Using for firewood (but not piled burned on-site); and/or
- Recycling for use in construction materials, furniture or fencing.

4.17 Tree protection is to be as per the recommendations of the Arboricultural Impact Assessment.

Establish Tree Protection Zones (TPZ) around trees identified 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.”

Trees to be retained are to be protected by fencing and / or other accepted protection measures in accordance with Australian Standard AS 4970-2009: Protection of Trees on Development Sites. All required tree protection measures are to be maintained for the duration of construction works.

Sign-post fences around Tree Protection Zones to warn of its purpose.

- 4.18 Ensure a qualified arborist (AQF 5) is on-site to oversee the works in relation to tree protection measures during critical stages of construction.
- 4.19 Plant replacement street trees within the road reserve along the site frontage which are to be advanced specimens (minimum 25 litre pot size) that are to provide:
 - a canopy (at a point along the frontage) that can provide a gliding link between the north-south tree corridor through the site to the existing vegetation on the northern side of Warnervale Road.
 - visual softening/greening of the street front of the site including in the areas adjacent to the car park and two access driveways.

Do not locate trees within an authority’s underground service easement nor be closer than:

- a) 12m from an intersection, or
- b) 3m from a driveway or access way, or
- c) 3m from a power pole.

5. PRIOR TO USE/OPERATION

- 5.1 Submit to Council a “Pre-Opening” Stage Road Safety Audit for the collective Roads Act Works and internal Works prepared by an Audit team of a minimum Level 3 and Level 2 Road Safety Auditor registered on the NSW Register of Road Safety Auditors. No recommendations are to be made in the Road Safety Audit to address any identified deficiencies. Resolutions of the identified deficiencies are to be carried out in consultation with Council with sign off, of the Corrective Actions by Council. Any works required as a result of the signed off Corrective Actions are to be satisfactorily completed and accepted by Council prior to use/operation of the site.
- 5.2 All road signage and pavement marking works must be completed in accordance with the plans approved by the Local Traffic Committee and approved by Council as the Roads Authority prior to use/operation of the site.

- 5.3 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior use/operation of the site.
- 5.4 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to use/operation of the site.
- 5.5 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1 and 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to use/operation of the site.
- 5.6 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to use/operation of the site.
- 5.7 Prior to the issue of an Occupation Certificate, Works as Executed information for the external works associated with the development as identified in Council's *Civil Works Construction Specification* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy.
- 5.8 Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity.
- 5.9 Protect native vegetation and wildlife corridors on Lot 71 DP 7091, 75 Warnervale Road Warnervale through establishing a Restriction on Use on title. This is to comprise registration on title of a Section 88B instrument establishing the following restrictive covenants; with the Council having sole authority to release, vary or modify these covenants:
- An area of 60 metres width across the rear of the property is to be retained as a Wildlife Corridor.
 - The Vegetation Management Plan (VMP) approved under this consent for areas of retained native vegetation including wildlife corridors must continue to be implemented in perpetuity. Environmental weeds are to be continually suppressed and destroyed and the land is to be maintained as an ecologically sensitive area in perpetuity.
 - No native vegetation within retained areas is to be removed or modified without the consent of Central Coast Council.

The Restriction on User covenant must be submitted to Council's General Counsel for approval.

6. ONGOING

- 6.1 All external lighting is to be of a type that minimises overspill into retained vegetated areas.
- 6.2 The use of the community hall in the evenings is to be carried out in accordance with the recommendations of the acoustic report and any adopted management plans.