

# Development Consent

## ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2 **and Schedule 3, and that pursuant to section 4.37 of the Environmental Planning and Assessment Act 1979, any subsequent stage of the development not being for the purpose of a school with an estimated development cost in excess of \$50 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.**

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Alan Bright  
**Director**  
**State Significant Acceleration**

Sydney

9 January 2023

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.*

**CONSOLIDATED CONSENT**

**SCHEDULE 1**

**Application Number:** SSD-13895306

**Applicant:** Newcastle Grammar School

**Consent Authority:** Minister for Planning

**Site:** Newcastle Grammar School Park Campus  
127 Union Street, Cooks Hill NSW 2300  
Lot 102 DP861562

**Development:** Stage 1 and Concept proposal (Stage 2 and 3) for alterations and additions and the redevelopment of Newcastle Grammar School – Park Campus

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## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-13895306-MOD-1	23 June 2025	Acting Director	<p>Section 4.55(1A) modifications to:</p> <ul style="list-style-type: none"><li>enlarge the basketball court to a full size with additional volleyball court marking</li><li>remove two approved half courts</li><li>relocate the approved play platform area</li><li>add a new pedestrian pathway</li><li>amend the number, variety and specie of the approved replacement planting</li><li>replan the landscaping area.</li></ul>

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## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Newcastle Grammar School or any other person carrying out any development to which this consent applies
<b>Archaeological Salvage</b>	A program of salvage excavation/s to recover information and/or objects from identified archaeological sites.
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	The City of Newcastle
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, as modified by the conditions of this consent.

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<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EHG</b>	Environment and Heritage Group of the Department of Planning and Environment
<b>EIS</b>	The Environmental Impact Statement titled “Environmental Impact Statement, Newcastle Grammar School (Park Campus) 127 Union Street, Cooks Hill NSW 2300”, prepared by SLR Consulting Australia Pty Ltd dated October 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Future Development Application</b>	Means a development application for Stage 2 and 3 works associated with the concept approval.
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: “material harm” is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in the EIS, RtS and RFI.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance

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with section 9.39 of the EP&A Act

<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions (RtS)</b>	The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>SA NSW</b>	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Investigations</b>	
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

# CONSOLIDATED CONSENT

## SCHEDULE 2

### CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

#### PART A ADMINISTRATIVE CONDITIONS

##### Determination of Future Applications

- A1. In accordance with Section 4.22(4) of the EP&A Act all development under the Concept Proposal must be the subject of future development application(s), other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3.
- A2. The determination of future application(s) is to be not inconsistent with the terms of development consent SSD 1389506 as described in Schedule 1 and subject to the conditions in Parts A and B, Schedule 2.

##### Terms of Consent

- A3. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS and Response to Submissions;
  - (d) in accordance with the approved plans in the table below:

Architectural Masterplan prepared by SHAC Project No. 4293			
Dwg No.	Rev	Name of Plan	Date
MP1.01	D	Proposed Masterplan	07.10.21
MP1.02	E	Masterplan – Ground Floor	07.10.21
MP1.03	D	Masterplan – First Floor	07.10.21
MP1.04	D	Masterplan – Second Floor	07.10.21
MP1.05	B	Masterplan – Roof	07.10.21
MP1.06	D	Masterplan – Blocking & Stacking	07.10.21
MP1.07	A	Masterplan – Stage 01 Ground Floor	07.10.21
MP1.08	A	Masterplan – Stage 01 First Floor	07.10.21
MP1.09	A	Masterplan – Stage 01 Second Floor	07.10.21
Updated Landscape Plan prepared by GallagherStudio			
Dwg No.	Rev	Name of Plan	Date
2020_08 NG_DA_01	F	Landscape Plan	08.03.2022
2020_08 NG	F	Union Street Building Rooftop Basketball Court	08.03.2022
2020_08 NG_DA_02	F	Section AA	08.03.2022
2020_08 NG_DA_03	F	Section BB	08.03.2022
2020_08 NG_DA_04	F	Indicative Precedents	08.03.2022
2020_08 NG_DA_05	F	Tree Removal / Retention Plan	08.03.2022
2020_08 NG_DA_06	F	Indicative Planting	08.03.2022

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202008_LA301	A	Materials & Finishes Plan 01	09.06.2022
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- A4. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A5. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition C2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition C2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

## Limits of Consent

- A6. This consent lapses five years after the date of consent unless work is physically commenced within the meaning of Section 4.53 of the EP&A Act.
- A7. This approval does not allow any components of the concept proposal to be carried out without further approval or consent being obtained from the relevant consent authority (other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3).

## Staff and student numbers

- A8. The maximum student and staff population permitted at the school onsite at any one time must not exceed the total student and staff numbers provided in the table below, for each relevant stage:

Stage	Maximum Students	Maximum Staff
Prior to the completion of Stage 1	256	35
At the completion of Stage 1	480	50
At the completion of Stage 2	640	60
At the completion of Stage 3	640	60

Notwithstanding, the maximum student population may be exceeded by a maximum of 10 additional students from time to time, to allow for unanticipated fluctuations on a temporary basis. The staff numbers on site may be exceeded in the event that it is needed to support students with disabilities or changes in legislation regarding staffing ratios.



## PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

### Building Design

- B1. All future development applications relating to the concept development must include:
- (a) detailed plans, elevations and sections;
  - (b) a design statement demonstrating the design quality of the proposed development having regard to the existing buildings on site, and the character of surrounding development;
  - (c) a Crime Prevention Through Environmental Design (CTPED) assessment, which details measures to maximise the safety of students, staff and public; and
  - (d) an Urban Design Report including artist's perspectives and photomontages.
- B2. All future built form must be contained wholly within the approved building envelopes, illustrated in the approved plans referenced at Schedule 2 Condition A3.

### Traffic and Parking

- B3. Any future development application, proposing the student and staff numbers nominated for Stage 2 or Stage 3 described in Schedule 2 Condition A8, must provide parking for a minimum of 37 vehicles, 2 motorcycles and a total of 70 bicycles across the whole site.
- B4. Any future development application, proposing the student and staff numbers nominated for Stage 2 or Stage 3 described in Schedule 2 Condition A8, must include traffic modelling for the signalised intersection of Union Street and Parkway Avenue. The modelling is required to demonstrate that there would be sufficient intersection capacity to support the increase in student numbers.

### Landscaping

- B5. Any future development application must include detailed landscape plans identifying any vegetation to be removed or relocated, and the location of any replacement plantings and/or additional landscaping.

### Amenity

- B6. Any future development application must include an assessment of amenity impacts including solar access (including detailed overshadowing diagrams), visual privacy, view loss and light spill (including a lighting plan).

### Ecological Sustainable Development

- B7. Where relevant, future development applications for new built form must demonstrate how the principles of Ecologically Sustainable Development have been incorporated into the design, construction, and on-going operation of the building.

### Disability Access

- B8. All future development applications for any new built form must be accompanied by a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the *Disability (Access to Premises – buildings) standards 2010* (the Premises Standards).

### Noise and Vibration

- B9. All future development applications for demolition and/or any new built form must be accompanied by a Noise and Vibration Impact Assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities at all stages of construction, and any noise sources during operation. Details are to be provided outlining any mitigation measures to ensure the amenity of adjoining sensitive receivers are protected throughout the construction and operational periods.

### Contamination

- B10. All future development applications for demolition and/or any new built form must be accompanied by a Detailed Site Investigation Report, including an assessment of potential site contamination.
- B11. Should the investigations required by condition B10 identify that remediation works are required, a RAP is to be prepared by a suitably qualified consultant.

## **Flooding**

- B12. All future development applications for demolition and/or any new built form must be accompanied by a contemporary flood assessment to assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk. The flood assessment must take into consideration any current flood policy or guide.
- B13. All future development applications for demolition and/or any new built form must include a revised flood emergency response plan (FERP) prepared in consultation with a suitably qualified flood and emergency consultant. The FERP submitted with future applications must take into consideration any learnings from the implementation of the Stage 1 FERP.

## **Construction Traffic and Pedestrian Management Plan**

- B14. Due to ongoing school operations and limited on-site parking, all future development applications for demolition and/or any new built form must be accompanied by a preliminary Construction Traffic and Pedestrian Management Plan (CTPMP) detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.

## **Geotechnical**

- B15. Where relevant, all future development application for any new built form must be accompanied by a detailed Geotechnical Report. The report must consider any required dewatering of the site and describe any potential environmental impacts resulting from works required to achieve a stable landform.

## **Waste**

- B16. Where relevant, all future development applications must be accompanied by a Waste Management Plan to address storage, collection, and management of waste and recycling generated by the development.

## **Utilities**

- B17. Where relevant, all future development applications must address the existing capacity and augmentation requirements of the development on the provision of utilities, including staging of infrastructure through the preparation of an Infrastructure Management Plan in consultation with relevant agencies and service providers.

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## SCHEDULE 3

### CONDITIONS OF CONSENT FOR STAGE 1

#### PART C ADMINISTRATIVE CONDITIONS FOR STAGE 1

##### Obligation to Minimise Harm to the Environment

- C1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

##### Terms of Consent

- C2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, **except where superseded by the** Request for Information Response (RFI), Response to Submissions **and SSD-13895306 Mod-1**;
  - (d) in accordance with the approved plans in the table below:

Stage 01 Architectural prepared by SHAC Project No. 4293			
Dwg No.	Rev	Name of Plan	Date
2.01	E	Site Plan – Demolition	11.03.22
2.02	<b>Q</b>	Site Plan – Proposed	<b>22.04.2025</b>
2.10	A	Play space Analysis – Stage 01	11.03.22
SK0.6	C	Staging Diagram	27.08.21
2.11	O	Block B Ground Floor Plan	11.03.22
2.12	M	Block B First Floor Plan	15.10.21
2.13	G	Block B Elevations – South & East	15.10.21
2.14	G	Block B Elevations – North & West	15.10.21
2.15	F	Block B Sections 01	15.10.21
2.16	E	Block B Sections 02	15.10.21
2.17	A	Demolition Plan – Ground Floor	16.11.20
2.18	A	Demolition Plan – First Floor	16.11.20
2.19	E	Stage 02 Ground Floor Plan	29.03.21
2.110	A	Stage 02 First Floor Plan	29.03.21
2.21	Q	Ground Floor Plan	11.03.22
2.22	P	First Floor Plan	15.10.21
2.23	P	Second Floor Plan	15.10.21
2.24	O	Rooftop Play	15.10.21
2.25	E	Roof Plan	15.10.21
2.26	E	Elevations – Site	11.03.22
2.27	K	Elevations – West	11.03.22
2.28	L	Elevations – North & South	11.03.22
2.29	L	Elevations – East	11.03.22
2.30	H	Sections 01	15.10.21

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2.31	H	Sections 02	15.10.21
2.32	D	Signage	15.10.21
<b>Landscape Plan prepared by botanique design</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
<b>LA051</b>	<b>4</b>	<b>Schedules</b>	<b>26.4.2025</b>
<b>LA500</b>	<b>2</b>	<b>Planting Plan</b>	<b>26.4.2025</b>
<b>LA501</b>	<b>3</b>	<b>Planting Plan 01</b>	<b>26.4.2025</b>
<b>LA502</b>	<b>5</b>	<b>Planting Plan 02</b>	<b>26.4.2025</b>
<b>LA503</b>	<b>3</b>	<b>Planting Plan 03</b>	<b>26.4.2025</b>
<b>LA504</b>	<b>4</b>	<b>Planting Plan 04</b>	<b>26.4.2025</b>
<b>Finishes Schedule prepared by SHAC</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Document</b>	<b>Date</b>
Finishes Schedule	A	4293 NGS Park Campus Stage 1 – Finishes Schedule	-
<b>Stormwater Management Plan prepared by Lindsay Dynan</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
16194-LD-DR-C-0000	P02	Cover Sheet & Drawing List	13/10/2021
16194-LD-DR-C-0010	P02	Erosion & Sediment Control Plan	13/10/2021
16194-LD-DR-C-0011	P02	Erosion & Sediment Control Details	13/10/2021
16194-LD-DR-C-0020	P03	Stormwater Drainage Plan	30/03/2022
16194-LD-DR-C-0025	P02	Civil Details	13/10/2021

- C3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - the implementation of any actions or measures contained in any such document referred to in (a) above.
- C4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition C2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition C2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### Limits of Consent

- C5. This consent lapses five years after the date of consent unless work is physically commenced within the meaning of section 4.53(4) of the EP&A Act.

## Prescribed Conditions

- C6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation 2000.

## Planning Secretary as Moderator

- C7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

## Evidence of Consultation

- C8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## Staging

- C9. Stage 1 may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- C10. A Staging Report prepared in accordance with condition C9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- C11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- C12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report including independent auditing requirements.

## Staging, Combining and Updating Strategies, Plans or Programs

- C13. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the

- relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- C14. Any strategy, plan or program prepared in accordance with condition C13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- C15. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- C16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

## Structural Adequacy

- C17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA and any additional requirements of Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

### Notes:

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

## External Walls and Cladding

- C18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## Applicability of Guidelines

- C19. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this consent.
- C20. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, standard or policy, or a replacement of them.

## Monitoring and Environmental Audits

- C21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, site audit report and independent auditing.

**Note:** *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*



## Access to Information

- C22. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition C2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

## Compliance

- C23. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## Incident Notification, Reporting and Response

- C24. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- C25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 12**.

## Non-Compliance Notification

- C26. **Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the Department's Major Projects Website.**
- C27. The notification must identify the development **(including the development application number and name)**, set out the condition of **this** consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C28. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## Revision of Strategies, Plans and Programs

- C29. Within three months of:
- (a) the submission of a compliance report under condition C32;
  - (b) the submission of an incident report under condition C252;
  - (c) the submission of an Independent Audit under condition F37;

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- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition C3 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

- C30. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

### Compliance Reporting

- C31. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- C32. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- C33. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- C34. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance



## PART D PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR STAGE 1

### External Walls and Cladding

- D1. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Stormwater Management System

- D2. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) direct roof water to the proposed water tank with a minimum capacity of 25,000 litres and being reticulated to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing are to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3).
  - (c) be designed and managed in accordance with the requirements of Section 7.06 'Stormwater' of the Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Lindsay Dynan Consulting Engineers (Drg. No. 16194-LD-DR-C-0020, Revision P03, dated 30/03/2022).
  - (d) be in accordance with applicable Australian Standards; and
  - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

### Operational Noise – Design of Mechanical Plant and Equipment

- D3. Prior to the issue of any construction certificate of mechanical plant and equipment:
- (a) an assessment of mechanical plant and equipment must be undertaken by a suitably qualified person and must demonstrate compliance with the project noise trigger levels as recommended in Table 5 of the Noise Impact Assessment dated 12 October 2021 and prepared by SLR consulting Australia.

### Geotechnical Matters

- D4. Prior to the issue of any construction certificate, the Applicant must appoint a suitably qualified geotechnical consultant to oversee the excavation and construction works on the site.
- D5. Evidence must be provided to the Certifier that the recommendations of the Geotechnical Assessment prepared by Coffey a Tetra Tech Company and dated 19 February 2021 have been implemented. This includes (but is not limited to):
- (a) Site excavation;
  - (b) Site preparation;
  - (c) Foundation design; and
  - (d) Pavement design.

### Car Parking

- D6. Prior to the issue of a construction certificate for the driveway/kiss and ride facility, evidence must be submitted to the Certifier that the driveway/kiss and ride facility complies with the following requirements:

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- (a) all exit movements onto Union Street will be restricted to left out only by signage; and
- (b) a minimum of 7 drop off spaces with a que length for a further 3 cars are provided in accordance with the current version of AS 2890.1

### **Bicycle Parking and End-of-Trip Facilities**

- D7. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- a) the provision of a minimum 53 bicycle parking spaces outlined in plans listed in condition C2;
  - b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and;
  - c) the provision of end-of-trip facilities for staff.

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## PART E PRIOR TO COMMENCEMENT OF CONSTRUCTION FOR STAGE 1

### Notification of Commencement

- E1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- E2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### Certified Drawings

- E3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.
- E4. Certification is required from a qualified structural engineer that the proposed Union Street Building is capable of remaining safe, serviceable and any damage from mine subsidence shall be limited to 'very slight' damage in accordance with AS2870 (Damage Classification), and readily repairable if subjected to the subsidence parameters provided in Section 6 of the submitted Tetra Tech Coffey, reference: 754-NTLGE282007-01-AI, dated 30 July 2021.
- E5. Certification is required from a qualified structural engineer that the Union Street Building can withstand the hydraulic forces of the probable maximum flood (PMF) conditions (flood depth of 2.2 m, flood velocity of 1.8 m/s and velocity-depth product of 1.4 as recommended in Part 5.1.2 of the Newcastle Grammar School Flood Impact Assessment, prepared by Torrent Consulting, Dated 25 March 2022.

### Subsidence Advisory NSW (SA NSW)

- E6. The Applicant must obtain approval from SA NSW under section 22 of the *Coal Mine Subsidence Compensation Act 2017* prior to commencement of construction.

### Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- E7. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

### Pre-Construction Survey – Adjoining Properties

- E8. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of all adjoining residential buildings that are likely to be impacted by the development, including but not limited to impacts from vibration and settlement.
- E9. Where the offer for a pre-construction survey is accepted (as required by condition E8), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- E10. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition E9, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and

- (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

### Community Communication Strategy

- E11. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;
  - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

### Demolition

- E12. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

### Ecologically Sustainable Development

- E13. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

### Outdoor Lighting

- E14. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and AS 4282-2019 *Control of the obtrusive effects of outdoor lighting*.

### Environmental Management Plan Requirements

- E15. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

**Note:** The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

**Note:** The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

## Construction Environmental Management Plan

- E16. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge;  
groundwater management plan including measures to prevent groundwater contamination;
    - (v) external lighting in compliance with *AS 4282-2019 Control of the obtrusive effects of outdoor lighting*;
    - (vi) community consultation and complaints handling as set out in the Community Communication Strategy required by condition E11;
    - (vii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition E18);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition E19);
  - (d) Construction Soil and Water Management Sub-Plan (see condition E20);
  - (e) Aboriginal Cultural Heritage Management Sub-Plan (see condition E21);
  - (f) Construction Flood Emergency Management Sub-Plan (see condition E22); and
  - (g) an unexpected finds protocol for contamination and associated communications procedure.
- E17. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- E18. Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
  - (d) detail heavy vehicle routes, access and parking arrangements.
- E19. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced acoustic consultant;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition (d) above;
  - (f) include a complaints management system that would be implemented for the duration of the construction; and

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- (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition E155.
- E20. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) include an Acid Sulfate Soils Management Plan, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas;
  - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (e) detail any off-Site flows from the Site;
  - (f) detail any requirements for offsite disposal of soil and the importation of fill.
  - (g) measures to minimise any groundwater ingress;
  - (h) detail any required dewatering of the Site; and
  - (i) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, 1 in 5-year ARI and 1 in 100-year ARI.
- E21. The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
  - (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development;
  - (c) details of an archaeological test and salvage excavation program to occur post-project approval but implemented before natural soil layers are disturbed;
  - (d) protocols for unexpected finds and human remains;
  - (e) on-site inductions and interpretation as described in recommendation 2 of the Aboriginal Cultural Heritage Assessment Report prepared by Heritage Now dated 6 October 2021; and
  - (f) management of archaeological resources.
- E22. The Construction Flood Emergency Management Sub-Plan (FEMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EHG);
  - (c) include details of:
    - (i) the flood emergency responses the construction phases of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors, and students.
- E23. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;



- (b) minimise conflicts with other road users;
- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

## Soil and Water

E24. Prior to the commencement of construction, the applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

## Flood Management

- E25. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
  - (b) evacuation and refuge protocols.
- E26. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels would be constructed to a height no lower than the flood planning level of 3.55m AHD plus 500mm of freeboard.
- E27. Prior to the commencement of construction, the Certifier must be satisfied that any structures below the flood planning level of 3.55m AHD plus 500mm of freeboard would be constructed from flood compatible building components.

## Construction Worker Transportation Strategy

E28. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

## Site Contamination

- E29. Prior to the commencement of construction, the Applicant must demonstrate to the satisfaction of the Planning Secretary that:
- (a) An NSW EPA-accredited Site Auditor is to be engaged to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.
  - (b) the final material used for improving mine void stability and the geotechnical characteristics of the site would be long term stable and non-polluting or is subject to a resource recovery order or resource recovery exemption made under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014.
  - (c) the adopted remediation strategy would not result in the pollution of land or waters, or cause harm to the environment.
  - (d) that any relevant approvals or authorisations required under the *Protection of the Environment Operations Act 1997* and any other relevant legislation have been obtained.

## Development Contributions

E30. Prior to commencement of construction for any part of the approved development, development contributions must be paid in accordance with the City of Newcastle Section 7.12 Development Contributions Plan.

## Landscaping

- E31. Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site. The plan must:
- (a) Provide only three street trees in Corlette Street to provide sufficient spacing as per City of Newcastle's Street Tree Selection Manual 2016. *Cupaniopsis anacardioides* (Tuckeroo) trees must be used for street trees instead of the originally proposed *Melaleuca quinquenervia*.

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### Hunter Water

- E32. Prior to the commencement of construction for any part of the approved development, a Section 50 Certificate under the *Hunter Water Act 1991* must be obtained from Hunter Water for the proposed development.

### Road Works

- E33. A separate application must be lodged, and consent obtained from Newcastle City Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, or other satisfactory arrangements confirmed in writing, from Council before the issue of any Construction Certificate.

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## PART F DURING CONSTRUCTION FOR STAGE 1

### Site Notice

- F1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
  - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
  - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- F2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Demolition

- F3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* and endorsed by a suitably qualified person as required by condition E12.

### Construction Hours

- F4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- F5. Construction activities may be undertaken outside of the hours in condition F4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or a nominee and appropriate justification is provided for the works.
- F6. Notification of such construction activities as referenced in condition F5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- F7. Unless otherwise approved in the Construction Noise and Vibration Management Sub-Plan (Condition E19) through the use of alternative low-noise construction methods, continuous noise or vibration resulting from rock breaking, rock hammering, sheet piling, pile driving, and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### Implementation of Management Plans

- F8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

## Construction Traffic

- F9. All construction vehicles are to be contained wholly within the site, except if located in a City of Newcastle Council, approved on-street work zone and vehicles must enter the site or an approved on-street work zone before stopping.

## Hoarding Requirements

- F10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

## No Obstruction of Public Way

- F11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

## Construction Noise Limits

- F12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- F13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition F4.
- F14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

## Vibration Criteria

- F15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- F16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition F15.
- F17. The limits in conditions F15 and F16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition E199 of this consent.

## Trees approved for removal

- F18. Tree removal must be limited to trees numbered 1-33 and 52 as identified in the Arborist Report, prepared by Abacus Tree Services and dated 21 June 2021.

## Tree Protection

- F19. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;

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- (b) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arborist Report, prepared by Abacus Tree Services and dated 21 June 2021; and
- (c) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

### Air Quality

- F20. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- F21. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### Erosion and Sediment Control

- F22. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

### Imported Fill

- F23. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Certifier upon request.

### Disposal of Seepage and Stormwater

- F24. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

### Emergency Management

- F25. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

### Aboriginal Cultural Heritage

- F26. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by Heritage Now dated 06/10/2021 and the approved ACHMSP under condition E21.

### Waste Storage and Processing

- F27. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

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- F28. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- F29. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- F30. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- F31. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### Outdoor Lighting

- F32. The Applicant must ensure that all external lighting is constructed and maintained in accordance with *AS 4282-2019 Control of the obtrusive effects of outdoor lighting*.

### Floor Levels

- F33. Certification is to be prepared by a Registered Surveyor and submitted to the Certifier confirming that:
- (a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
  - (b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.

### Site Contamination

- F34. Remediation of the site must be carried out in accordance with the Remediation Action Plan prepared by Tetra Tech Coffey and dated 13 October 2021 and any variations to the Remedial Action Plan approved by an NSW EPA-accredited Site Auditor or the unexpected find protocol prepared in accordance with condition **E29**.
- F35. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- F36. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

### Independent Environmental Audit

- F37. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- F38. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- F39. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 week's notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- F40. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition F37 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- F41. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as

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outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.

- F42. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

FOR INFORMATION

## PART G PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION FOR STAGE 1

### Notification of Occupation

- G1. At least one month before the issue of the occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### External Walls and Cladding

- G2. Prior to the issue of the occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- G3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Post-Construction Dilapidation Report – Protection of Public Infrastructure

- G4. Prior to the issue of an occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition E7 of this consent;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary when requested.

### Repair of Public Infrastructure

- G5. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.*

### Road Damage

- G6. Prior to the issue of an occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### Post-Construction Survey – Adjoining Properties

- G7. Where a pre-construction survey has been undertaken in accordance with condition E8, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:



- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition E9;
  - (b) be provided to the owner of the relevant buildings surveyed;
  - (c) be provided to the Certifier; and
  - (d) be provided to the Planning Secretary when requested.
- G8. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

### Works as Executed Plans

- G9. Prior to the issue of the occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

### Operational Transport, and Pedestrian Management Plan (OTPMMP)

- G10. Prior to the issue of the occupation certificate for Stage 1, an OTPMP must be prepared by a suitably qualified person, in consultation with Council, and submitted to the satisfaction of the Certifier, with a copy submitted to Council for information. The OTPMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
  - (b) the location and operational management procedures of the drop-off and pick-up parking, including staff management/traffic controller arrangements;
  - (c) the location and operational management procedures for the drop-off and pick-up of students by buses and coaches including staff management/traffic controller arrangements;
  - (d) closure of the drop-off and pick-up driveway outside of the drop-off and pick-up times.
  - (e) delivery and services vehicle and bus access and management arrangements;
  - (f) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off and pick-up zones;
  - (g) a monitoring and review program.

### Mechanical Ventilation

- G11. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

### Operational Noise – Design of Mechanical Plant and Equipment

- G12. Prior to the issue of an occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition D3 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the project noise trigger levels as identified in the Noise Impact Assessment dated 12 October 2021 and prepared by SLR consulting.

## Service Vehicles and Bicycle parking Arrangements

- G13. Prior to the issue of an occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) bicycle parking facilities comply with condition D8;
  - (b) appropriate pedestrian and cyclist advisory signs are to be provided;
  - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
  - (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
  - (e) end-of-trip facilities for staff are provided.

## Fire Safety Certification

- G14. Prior to the issue of an occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

## Structural Inspection Certificate

- G15. Prior to the issue of an occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## Stormwater Quality Management Plan

- G16. Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

## Warm Water Systems and Cooling Systems

- G17. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

## Outdoor Lighting

- G18. Prior to the issue of the occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.



## Signage

- G19. Prior to the issue of an occupation certificate, way-finding signage and signage identifying the location of the kiss and ride facility must be installed.
- G20. Prior to the issue of an occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- G21. Prior to the issue of an occupation certificate a 'Left Turn Only' (R2-1A) sign must be installed within the site adjacent the exit driveway.

## Site Contamination

- G22. Prior to the occupation certificate, the Applicant must submit a Validation Report for the development to the Certifier. The Validation Report must:
- (a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
  - (b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
  - (c) include, but not be limited to:
    - (i) comment on the extent and nature of the remediation undertaken;
    - (ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
    - (iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
    - (iv) if treated material is to remain on the subject site, results of sampling of treated material, compared with the treatment criteria in the most updated RAP;
    - (v) results of any validation sampling, compared to relevant guidelines/criteria;
    - (vi) comment on the suitability of the area for the intended land use; and
  - (d) be submitted to the Planning Secretary for information.
- G23. Prior to issue of an occupation certificate, the Applicant must obtain confirmation from the Certifier in writing that the requirements of condition G22 have been met.
- G24. Where changes are made to the Remediation Action Plan prepared by Tetra Tech Coffey and dated 13 October 2021 under condition F34, prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

## Landscaping

- G25. Prior to the issue of an occupation certificate, landscaping of the site must be completed in accordance with landscape plans approved under condition E31.

## Operational Flood Emergency Management Plan

- G26. Prior the commencement of the operation, a revised Flood Emergency Management Plan must be submitted to the satisfaction of Planning Secretary that:
- (a) has been prepared by a suitably qualified and experienced person(s);
  - (b) incorporates the following changes:
    - (i) Update sections 2.2.1 and 2.2. to reflect the flood levels and hydraulic hazard in the 1% AEP food in post-development condition as modelled in the Flood Impact Assessment, prepared by Torrent Consulting, dated 25 March 2022.

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- (ii) Update the timeline analysis in Section 3.3 and Appendix D to account for the potential 5-minute lag between trigger levels being reached and Early Warning Network (EWN) issuing a Flood Warning.
- (iii) Note that the school must subscribe to both EWN and the BoM services and ensure both are available and set up to deliver notifications on the devices of the Chief Warden and all other Wardens. The triggers should be monitored twice daily during normal operations.
- (iv) Modify the plan so that during normal operation the Chief Warden or delegate must twice daily monitor the BoM and EWN for triggers of the Alert Modes, once in the morning before school operational hours and once more in the evening.
- (v) Modify the emergency response on an Amber Alert including:
  - Do not rely entirely on a message from EWN to move to a red alert, as this might not be sent or received due to technical issues. Add a visual back-up trigger (i.e. the sight of ankle deep flooding in Union Street).
  - The school must communicate to all parents and carers that local roads around the site may flood, and that driving or walking through floodwaters of any depth is a severe risk to life;
  - Note that evacuation of the site via bus or by any other means, as this may expose students or staff to a higher risk;
  - Remove evacuation of vulnerable site occupants as it is considered a safer option to shelter in place; and
  - Remove the closure of kiss and ride area.
- (vi) Modify the emergency response on a Red Alert including:
  - All school children and staff within Block B must evacuate vertically to the upper levels of that building; and
  - Require that any children and staff that have not already evacuated from Block A (Sandy Warren Performance Centre) to the Union Street Building under an amber alert, evacuate to the first floor of Block B as there is more available time.

## PART H POST OCCUPATION

### Staff and student numbers

- H1. Upon the issuance of the final occupation certificate for the Stage 1 development, the number of students permitted at the school onsite at any one time must not exceed 480. Notwithstanding, the maximum student population may exceed 480 by up to a maximum 10 additional students from time to time, to allow for unanticipated fluctuations on a temporary basis.
- H2. Upon the issuance of the final occupation certificate for this development the number of full-time equivalent staff at the school onsite at any one time must not exceed 50.

### Operation of Plant and Equipment

- H3. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### Warm Water Systems and Cooling Systems

- H4. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### Community Communication Strategy

- H5. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### Operational Noise Limits

- H6. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise Impact Assessment dated 12 October 2021 and prepared by SLR consulting.

### Unobstructed Driveways and Parking Areas

- H7. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### Green Travel Plan

- H8. The Green Travel Plan approved under this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### Ecologically Sustainable Development

- H9. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition E1313, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### Outdoor Lighting

- H10. Notwithstanding condition F32, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### Landscaping

- H11. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the access road – kiss and ride exit driveway in accordance with AS/NZS 2890.1:2004 - *Parking facilities - Off-street car parking*.

### Signage

- H12. All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development.
- H13. The illumination of signage and LED screen/s must be switched off between 6pm and 7am, unless otherwise agreed by the Planning Secretary.
- H14. The lighting to be used in connection with approved signage including the LED screen must comply with the latest version of *AS 4282-2019 - Control of the obtrusive effects of outdoor lighting*.
- H15. The LED sign must not:
- (a) dazzle or distract drivers due to colouring of the digital content;
  - (b) be able to be mistaken for a traffic signal because the digital content has, for example, red, amber, or green circles, octagons, crosses or triangles;
  - (c) be able to be mistaken as an instruction to drivers;
  - (d) display advertising or messages which contain fully animated or video/movie style advertising or images;
  - (e) display advertising material unrelated to the school;
  - (f) be used for any live television, satellite, internet or similar broadcast;
  - (g) emit sound; and
  - (h) must have a default setting that will display an entirely black display area when no content is being displayed or if a malfunction occur.

## **APPENDIX 1 ADVISORY NOTES**

### **General**

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### **Long Service Levy**

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

### **Legal Notices**

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### **Access for People with Disabilities**

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### **Utilities and Services**

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **Road Design and Traffic Facilities**

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### **Road Occupancy Licence**

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### **SafeWork Requirements**

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### **Hoarding Requirements**

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### **Handling of Asbestos**

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Fire Safety Certificate**

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## **APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C24 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.