

# Development consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.



David Gainsford  
**Executive Director**  
**Priority Projects Assessments**

Sydney 24th January 2017

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### SCHEDULE 1

<b>Application No.:</b>	SSD 7532
<b>Applicant:</b>	NSW Department of Education
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	2 Pacific Highway, Gateshead (Lot 1540 DP755233, Lot 1410 DP755233 & Lot 92 DP 1192138)
<b>Development:</b>	Redevelopment of the existing Hunter Sports High School, comprising: <ul style="list-style-type: none"><li>• demolition works;</li><li>• construction of three main school buildings (Block S, T and U) containing classrooms and other learning spaces; a library; a school hall/movement complex; canteen; administration and other staff facilities;</li><li>• vehicular access and car parking arrangements;</li><li>• pedestrian circulation;</li><li>• external signage;</li><li>• landscaping; and</li><li>• infrastructure works.</li></ul>

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	NSW Department of Education
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
AS	Australian Standard
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent
Council	Lake Macquarie City Council
Certification of Crown Building works	Certification under section 109R of the EP&A Act
Crown Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Department	The Department of Planning and Environment
EIS	<i>Environmental Impact Statement, Proposed Redevelopment of Hunter Sports High School</i> , prepared by de Witt Consulting, dated August 2016.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
HSHS	Hunter Sports High School
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage, or its successor
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RtS	<i>Response to EIS Submissions</i> , prepared by EJE Architecture, dated 6 October and accompanying attachments
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Subject Site	2 Pacific Highway, Gateshead (Lot 1540 DP755233, Lot 1410 DP755233 & Lot 92 DP 1192138)
Zone of Influence	The horizontal distance from the edge of the excavation site or any construction zone (including on-site haulage routes) to twice the maximum excavation depth

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Development Description

A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.

#### Development in Accordance with Plans and Documents

A2. The Applicant shall carry out the development in accordance with the conditions of consent and generally in accordance with the:

- a) State Significant Development Application SSD 7532;
- b) EIS, except where amended by the RtS;
- c) The conditions of this consent; and
- d) following drawings, except for:
  - i) any modifications which are Exempt or Complying Development;
  - ii) as otherwise provided by the conditions of this consent.

<b>Architectural Drawings prepared by EJE Architecture</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A005	E+	Overall Site Plan Existing and Proposed	19.04.16
A010	I+	Detail Site Plan Overall	26.04.16
A011	E+	Detail Site Plan Part 1	26.04.16
A012	E+	Detail Site Plan Part 2	26.04.16
A013	D+	Detail Site Plan Part 3	19.04.16
A014	D+	Detail Site Plan Part 4	19.04.16
A020	O	Overall Ground Floor Plan	25.05.16
A021	O	Overall First Floor Plan	25.05.16
A022	O	Overall Second Floor Plan	25.05.16
A023	O	Overall Roof Plan	25.05.16
A100	O	Milestone Key Diagrams	25.05.16
A-S001	O	Block S Ground Floor Plan	25.05.16
A-S101	O	Block S Roof Plan	25.05.16
A-S601	O	Block S Elevations	25.05.16
A-S602	O	Block S Elevations	25.05.16
A-S701	O	Block S Sections	25.05.16
A-S702	O	Block S Sections	25.05.16
A-T001	O	Block T Ground Floor Plan 1	25.05.16
A-T002	O	Block T Ground Floor Plan 2	25.05.16
A-T011	O	Block T First Floor Plan 1	25.05.16
A-T012	O	Block T First Floor Plan 2	25.05.16
A-T101	O	Block T Roof Plan 1	25.05.16
A-T102	O	Block T Roof Plan 2	25.05.16
A-T103	O	Block T Roof Plan 3	25.05.16
A-T021	O	Block T Second Floor Plan	25.05.16
A-T601	O	Block T Elevations 1	25.05.16

A-T602	O	Block T Elevations 2	25.05.16
A-T603	O	Block T Elevations 3	25.05.16
A-T604	O	Block T Elevations 4	25.05.16
A-T605	O	Block T Elevations 5	25.05.16
A-T701	O	Block T Sections 1	25.05.16
A-T702	O	Block T Sections 2	25.05.16
A-U001	O	Block U Lower Ground Floor	25.05.16
A-U011	O	Block U Ground Floor Plan 1	25.05.16
A-U012	O	Block U Ground Floor Plan 2	25.05.16
A-U013	O	Block U Ground Floor Plan 3	25.05.16
A-U101	O	Block U Roof Plan 1	25.05.16
A-U102	O	Block U Roof Plan 2	25.05.16
A-U103	O	Block U Roof Plan 3	25.05.16
A-U601	O	Block U Elevations	25.05.16
A-U602	O	Block U Elevations	25.05.16
A-U603	O	Block U Elevations	25.05.16
A-U604	O	Block U Elevations	25.05.16
A-U701	O	Block U Sections	25.05.16
A-U702	O	Block U Sections	25.05.16
A-X401	A	Main Site Entry Canopy	25.05.16

**Landscape Plans prepared by Terras Landscape Architects**

<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
L01	03	Site Plan & Tree Removal & Retention Plan	03.03.16
L02	03	Fencing Plan and Areas to be Irrigated	03.03.16
L03	03	Hardworks Plan A	03.03.16
L04	03	Hardworks Plan B	03.03.16
L05	03	Hardworks Plan C	03.03.16
L06	03	Hardworks Plan D	03.03.16
L07	03	Hardworks Plan E	03.03.16
L08	03	Hardworks Plan F	03.03.16
L09	03	Hardworks Plan G	03.03.16
L10	03	Hardworks Plan H	03.03.16
L11	03	Hardworks Plan I	03.03.16
L12	03	Softworks Plan A	03.03.16
L13	03	Softworks Plan B	03.03.16
L14	03	Softworks Plan C	03.03.16
L15	03	Softworks Plan D	03.03.16
L16	03	Softworks Plan E	03.03.16
L17	03	Softworks Plan F	03.03.16
L18	03	Softworks Plan G	03.03.16
L19	03	Softworks Plan H	03.03.16
L20	03	Softworks Plan I	03.03.16
L21	03	Details 1	03.03.16
L22	03	Details 2	03.03.16
L23	03	Details 3	03.03.16

<b>Civil Stormwater – Engineering Plans prepared by Aurecon</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
249335-001-CV-001	Rev H	Civil Stormwater Plan	18.04.16
249335-001-CV-002	Rev H	Civil Pavement Plan	18.04.16
249335-001-CV-003	Rev H	Sediment Control and Existing Stormwater Plan	18.04.16
249335-001-CV-004	Rev H	Civil Details - Sheet 1 Erosion and Sediment Control Details	18.04.16
249335-001-CV-005	Rev H	Civil Details - Sheet 2 Typical Pavement and Retaining Wall details	18.04.16
249335-001-CV-006	Rev B	Civil Details - Sheet 3 Stormwater Tank Details	18.04.16

### **Inconsistency between documents**

- A3. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4. The Applicant must comply with any reasonable requirements of the Secretary arising from the Department's assessment of:
- a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
  - b) the implementation of any actions or measures contained in these documents.

### **Building Code of Australia Compliance**

- A5. All aspects of the building design shall comply with the applicable performance requirements of the BCA so as to achieve and maintain acceptable standards of structure sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions, or
  - b) formulating an alternative solution which:
    - i) complies with the performance requirements, or
    - ii) is shown to be at least equivalent to the deemed to satisfy provision, or
    - iii) a combination of a) and b).

### **Development Expenses**

- A6. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

### **Lapsing of Approval**

- A7. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

### **Prescribed Conditions**

A8. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

**Dispute Resolution**

A9. 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 Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

**Secretary's Approval, Agreement or Satisfaction**

A10. Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary (or nominee/delegate) will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to response in writing will be added to the one month period.

**Legal Notices**

A11. Any advice or notice to the consent authority shall be served on the Secretary.

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## PART B PRIOR TO COMMENCEMENT OF WORKS

### Certified Plans

- B1. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Crown Certifying Authority and the Department prior to commencement of each stage of the construction works and shall include details as required by any of the following conditions.

### Biodiversity Offset Strategy

- B2. The Applicant shall retire two ecosystem credits in accordance with the Biodiversity Offset Strategy in the Biodiversity Assessment Report prepared by Biosis, dated 24 May 2016 to offset the loss of 0.13 hectares of 'HU833' Smooth-barked Apple-Red Bloodwood-Brown Stringybark-Hairpin Banksia healthy open forest coastal lowlands (PCT 1691).

### Site Contamination

- B3. Remediation approved as part of this development consent shall be carried out in accordance with the *Remediation Action Plan for Proposed Redevelopment of Hunter Sports High School, 2 Pacific Highway, Gateshead*, dated October 2016 and prepared by Douglas Partners. A site audit must be carried out by an EPA accredited site auditor prior to the commencement of remediation works.
- B4. Upon completion of the remediation works on the subject site, the Applicant shall submit to the Crown Certifying Authority a site audit report and site audit statement prepared by an EPA accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the uses proposed as part of this approval.

### Staging Plan

- B5. Prior to the commencement of works, a detailed Staging Plan shall be submitted to the satisfaction of the Crown Certifying Authority demonstrating the development being carried out in a sequential manner, including the timing for car park works within the school site.

### Demolition

- B6. All demolition work shall comply with the provisions of AS 2601-2001 *The demolition of structures*. The works plans required by AS 2601-2001 shall 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 shall be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of demolition works.

### Asbestos Management Plan

- B7. Prior to the commencement of demolition, an **Asbestos Management Plan** prepared by a suitably qualified person for the development shall be submitted to the Crown Certifying Authority and WorkCover NSW for review and copy provided to Council. The Plan must:
- be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;
  - identify any known or potential areas of concern on site for asbestos containing materials;
  - outline the procedures for identification, handling, disposal and/or re-use of asbestos containing materials;
  - ensure that all asbestos would be handled and disposed of by a suitably licensed asbestos removalist in accordance with the relevant guidelines and legislation;

- e) ensure an induction process is in place for site workers and visitors regarding the identification of asbestos and the formal procedures to be followed in the event that asbestos is identified on site;
- f) ensure that the development would comply with the requirements of this consent;
- g) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and
- h) outline the procedures for soil validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.

### **Ecologically Sustainable Development**

B8. Prior to the commencement of works, the Applicant shall submit details of all design, operation and construction measures, as identified in the ESD Report prepared by EJE Architecture dated 23 November 2016. Details are to be submitted to the satisfaction of the Crown Certifying Authority.

### **Notice of Commencement of Works**

B9. The Department, Crown Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Subject Site.

### **Reflectivity**

B10. The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers is to be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of above ground works.

### **Outdoor Lighting**

B11. All outdoor lighting within the site shall comply with, where relevant, AS/NZ 1158.3: 2005 *Pedestrian area (Category P) lighting* and AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Crown Certifying Authority prior to the certification of public domain works.

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

B12. 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. The Crown Certifying Authority 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.

### **Erosion and Sedimentation Control**

B13. A soil erosion and sediment control plan must be developed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Crown Certifying Authority prior to commencement of works involving vegetation removal or soil disturbance.

### **Pre-Construction Dilapidation Reports**

B14. The Applicant is to engage a suitably qualified person to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings within the site, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of any works.

### **Car Parking and Service Vehicle Layout**

B15. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of relevant above ground works:

- a) all vehicles should enter and leave the Subject Site in a forward direction;
- b) formal car parking areas that form part of this approval (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 *Parking facilities – Off-street car parking*, AS 2890.6-2009 *Parking facilities – Off-street parking for people with disabilities* and AS 2890.2-2002 *Parking facilities – Off-street commercial vehicle facilities*;
- c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
- d) all works/ regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority;
- e) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

### **Car Park Management Plan**

B16. A **Car Park Management Plan** shall be provided to the Crown Certifying Authority in relation to the proposed car park arrangements, addressing but not limited to the following aspects:

- a) on-site pick-up/set-down locations for transport assisted students and school groups;
- b) restrictions on vehicular access;
- c) carpark signage;
- d) servicing and garbage collection arrangements;
- e) pick-up/drop-off arrangements at the site's frontage;
- f) management of staff parking during garbage collection in the southern carpark;
- g) access for emergency vehicles to the playing fields;
- h) management of the shared parking area on the adjoining Wiripaang Public School;
- i) measures to manage car parking and vehicle access to/from and around the school during major events; and
- j) monitoring and review of the operation of the carparks to ensure its ongoing acceptable performance.

### **Tree Assessment**

B17. A detailed plan prepared by a suitable qualified person showing all existing trees to be retained and trees to be removed in accordance with the recommendations in the Arborist report prepared by Terras Landscape Architects, dated 29 January 2016 shall be submitted to the Crown Certifying Authority prior to the commencement of works for the relevant stage.

### **Bicycle Spaces**

- B18. A minimum of 24 bicycle spaces are to be provided on the site. Details shall be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of works for the relevant stage.
- B19. The layout, design and security of bicycle facilities shall be designed generally in accordance with the minimum requirements of AS 2890.3 – 1993 *Parking Facilities Part 3: Bicycle Parking Facilities*.
- B20. The number of storage, change room and shower facilities for the bicycle spaces shall be generally in accordance with the requirements of the *Planning Guidelines for Walking and Cycling*, Department, 2004 to support the use of on-site bicycle parking facilities.

### **Structural Details**

- B21. Prior to the commencement of works, the Applicant shall submit to the satisfaction of the Crown Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
  - b) the development consent.

### **Mechanical Ventilation**

- B22. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the BCA and shall comply with the AS 1668.2-2012 and AS 3666 *Microbial control of air handling and water systems of building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of works.

### **Stormwater and Drainage Works Design**

- B23. Final drainage design plans of the stormwater drainage and on site detention system, are to be prepared by a suitably qualified engineer generally in accordance with the Stormwater Management Plan prepared by Aurecon (ref. 249335) dated 18 April 2016. The plans are to be submitted to the Crown Certifying Authority prior to the commencement of works.
- B24. Stormwater shall be disposed of through a piped system designed in accordance with AS/NZS 3500 *Plumbing and drainage* by a suitably qualified professional in accordance with Part DQS.06 of *Lake Macquarie City Council DCP 2014 Engineering Guidelines*.
- B25. All new stormwater harvesting measures approved by this consent shall be constructed and maintained in accordance with the *Lake Macquarie City Council DCP 2014 Water Cycle Management Guideline*.
- B26. Detention storage shall be calculated and designed in accordance with Australian Rainfall and Runoff 1987 and Lake Macquarie City Council guideline – *Handbook for Drainage Design Criteria*.

### **Storage and Handling of Waste**

- B27. The building plans and specifications accompanying the relevant plans submitted to the Crown Certifying Authority prior to the commencement of any works shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of these storage areas shall be designed in consultation with Council and shall:

- a) ensure all internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) include bin washing area;
- c) include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
- d) include provision for separate storage and collection of organic/food waste.

### **Crime Prevention Through Environmental Design (CPTED)**

B28. Prior to commencement of the construction of buildings on the Subject Site, the Applicant shall provide details to the satisfaction of the Crown Certifying Authority demonstrating the incorporation of CPTED principles in the design of the proposal, including details of measures to maximise pedestrian and public safety.

### **Construction Environmental Management Plan (CEMP)**

B29.

- a) Prior to the commencement of works on the Subject Site, a CEMP that addresses those works shall be submitted to the satisfaction of the Crown Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
  - i) hours of work;
  - ii) 24 hour contact details of site manager;
  - iii) traffic management, in consultation with the local Council, including a designated off-street car parking area for construction related vehicles, with all construction and demolition vehicles wholly contained within the site;
  - iv) construction noise and vibration management, prepared by a suitable qualified person;
  - v) Ecological Management Plan outlining measures for clearing vegetation to manage fauna species during tree removal, including having a spotter/catcher present;
  - vi) management of dust to protect the amenity of the school and the surrounding area;
  - vii) erosion and sediment control;
  - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  - ix) groundwater management plan including measures to prevent groundwater contamination;
  - x) external lighting in compliance with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*;
  - xi) an *Unexpected Finds Protocol* (UFP);
  - xii) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken within the expanded areas during construction to confirm the contamination status in these areas of the site; and
  - xiii) details of mitigation measures of potential impacts of construction activities on retained native vegetation and habitat in accordance with the recommendations in the Biodiversity Assessment Report prepared by Biosis, dated 24 May 2016.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The Applicant shall submit a copy of the CEMP to the Department and Council, prior to commencement of work.

B30. The CEMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

### **Construction Noise and Vibration Management Plan**

B31. Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Noise and Vibration Management Plan (CNVMP)** and the plan must:

- a) be prepared by a suitably qualified expert and submitted to the satisfaction of the Crown Certifying Authority;
- b) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
  - i) best management practice is being employed, and
  - ii) compliance with the relevant conditions of this consent,
- d) describe the proposed noise and vibration management measures in detail;
- e) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
- f) describe the consultation undertaken to develop the strategies in e) above;
- g) evaluates and reports on the effectiveness of the noise and vibration management measures; and
- h) include a complaints management system that would be implemented for the duration of the project.

B32. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

### **Construction Waste Management Plan**

B33.

- a) Prior to the commencement of works, a **Construction Waste Management Plan (CWMP)** prepared by a suitably qualified person in consultation with the Council, shall be submitted to the Crown Certifying Authority. The Plan shall address, but not be limited to, the following matters:
  - i) recycling of demolition materials including concrete, and
  - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Crown Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant must notify RMS's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

B34. The CWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

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

B35.

- a) Prior to the commencement of, **Construction Traffic and Pedestrian Management Plan (CTMP)** prepared by a suitably qualified person shall be submitted to the Crown Certifying Authority. The Plan must be prepared in consultation with the Council.
- b) The Plan shall address, but not be limited to, the following matters:
  - i) ingress and egress of vehicles to the Subject Site, including swept path analysis as well as sites sharing ingress and egress;
  - ii) contractor parking;
  - iii) loading and unloading, including construction zones;
  - iv) predicted traffic volumes, types and routes;
  - v) pedestrian and traffic management methods and safety; and
  - vi) measures to mitigate potential pedestrian and vehicle conflicts along the Pacific Highway frontage and internal access driveways particularly during school hours.
- c) The Applicant shall submit a copy of the final plan to the Council, prior to the commencement of works.

B36. The CTMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

B37. Traffic Control shall be undertaken in accordance with requirements of AS 1742 *Manual Uniform Traffic Control Services Parts 1, 2 and 3*.

### **Utility Services**

B38. Prior to the commencement of the relevant work, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.

B39. Prior to the commencement of above ground works written advice shall 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.

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## **PART C DURING CONSTRUCTION**

### **Hours of Work**

C1.

- a) The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
  - i) between 7 am and 6 pm, Mondays to Fridays inclusive;
  - ii) between 7 am and 4 pm, Saturdays; and
  - iii) no work on Sundays and public holidays.
- b) Works may be undertaken outside these hours specified in a) above where:
  - i) the delivery of materials is required outside these hours by the Police or other authorities; or
  - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
  - iii) variation is approved in advance in writing by the Secretary or her nominee.

### **Erosion and Sediment Control**

C2. All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **Disposal of Seepage and Stormwater**

C3. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### **Approved Plans to be On-site**

C4. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Crown Certifying Authority.

### **Road Occupancy Licence**

C5. A Road Occupancy Licence must be obtained from the Transport Management Centre (RMS) for any works that have impact on traffic flows on Pacific Highway during construction activities.

### **Site Notice**

C6.

- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Crown Certifying Authority and Structural Engineer.
- b) The site notice(s) is to satisfy all but not be limited to, the following requirements:
  - i) minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - iii) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24 hour contact phone

- number for any inquiries, including construction/ noise complaint are to be displayed on the site notice; and
- iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

### **Construction Noise Management**

- C7. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the CNVMP.
- C8. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C9. The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity in accordance with the following, unless otherwise approved by the Secretary in writing:
- a) only undertaken after 7 am, and
  - b) only undertaken over continuous periods not exceeding three hours, with at least a one hour respite period every three hours.
- Note: Continuous means any period during which there is less than an uninterrupted 60 minute respite between temporarily halting and recommencing any of the work referred to section 4.5 of the Environment Protection Authority's *Interim Construction Noise Guideline*.
- C10. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- C11. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

### **Vibration Criteria**

- C12. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings. Effects on Structures*; and
  - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6842 – *Guide to Evaluate Human Exposure to Vibration in Buildings (1 Hz to 80 Hz)* for low probability of adverse comment.
- C13. These limits apply unless otherwise outlined in the CNVMP.

### **Work Cover Requirements**

- C14. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

### **Hoarding Requirements**

- C15. The following hoarding requirements shall be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/ fencing;
- b) the construction site manager shall 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; and
- c) the Applicant shall submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

**No obstruction of public way**

C16. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority, which may require works on site to stop.

**Discovery of Aboriginal Heritage**

C17. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEHL and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEHL to develop and implement management strategies for all projects/sites.

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## **PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Landscaping**

- D1. The landscaping of the site is to be carried out in accordance with the approved Landscape Plan prior to the occupation of new school buildings or commencement of use of the relevant stage.

### **Bicycle Spaces**

- D2. The layout, design and security of bicycle facilities must demonstrate compliance with the requirements of condition B19 of this consent.

### **Mechanical Ventilation**

- D3. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Crown Certifying Authority, prior to the occupation of new school buildings or commencement of use of the relevant stage, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
  - b) AS 1668 *The use of ventilation and airconditioning in buildings* and other relevant codes;
  - c) the development consent and any relevant modifications; and
  - d) any dispensation granted by the New South Wales Fire Brigade.

### **Road Damage**

- D4. 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 is to be met in full by the Applicant prior to the final occupation of the development approved by this consent.

### **Compliance Certificate**

- D5. A compliance certificate under the *Hunter Water Act 1991* must be obtained from Hunter Water.

The certificate must be submitted to the Crown Certifying Authority prior to the final occupation of the development approved by this consent.

### **Post-construction Dilapidation Report**

- D6. Prior to final occupation of the development approved by this consent:
- a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;
  - b) the report is to be submitted to the Crown Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Crown Certifying Authority must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
  - c) a copy of this report is to be forwarded to the Council.

### **Fire Safety Certification**

- D7. Prior to the final occupation of the development approved by this consent, a **Fire Safety Certificate** shall 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**

- D8. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Crown Certifying Authority prior to the occupation of new school buildings or commencement of use of the relevant stage. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall 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.

### **Signage**

- D9. Way-finding signage and signage identifying car parks for staff and visitors of the HSHS shall be installed to the satisfaction of the Crown Certifying Authority prior to the occupation of new school buildings or commencement of use of the relevant stage.
- D10. Bicycle way-finding signage shall be installed to direct cyclists from footpaths to designated bicycle parking areas to the satisfaction of the Crown Certifying Authority prior to the occupation of new school buildings or commencement of use of the relevant stage.
- D11. 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas to the satisfaction of the Crown Certifying Authority prior to the occupation of new school buildings or commencement of use of the relevant stage.

### **Stormwater Quality Management Plan**

- D12. An **Operation and Maintenance Plan (OMP)** is to be prepared to ensure proposed stormwater quality measures remain effective. The OMP must 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.
- D13. Details demonstrating compliance are to be submitted to the Crown Certifying Authority prior to final occupation of the development approved by this consent.
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## **PART E POST OCCUPATION**

### **Bushfire Risk**

- E1. The Subject Site shall continue to be managed to the standard of an asset protection zone (APZ) as outlined within section 4.2.7 and appendix 5 of *Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006* and the NSW RFS document 'Standards for asset protection zones'. This is to ensure the school buildings and proposed works will not experience greater than 10 kW/m<sup>2</sup> of radiant heat in the event of a bushfire in accordance with the requirements of Section 4.2.7 for Special Fire protection Purpose (SFPP) developments.
- E2. The installation and provision of water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006*.
- E3. An updated **Bush Fire Emergency Plan** shall be prepared in compliance with section 4.2.7 of *Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006*

### **Unobstructed Driveways and Parking Areas**

- E4. Driveways, footways and car spaces shall be unobstructed and not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and shall be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### **Noise Control – Plant and Machinery**

- E5. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy; or
  - a sound pressure level at any affected residential property that exceeds the background ( $L_{A90, 15 \text{ minute}}$ ) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a  $L_{Aeq, 15 \text{ minute}}$ ; or
  - notwithstanding compliance with a) and b) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7 am.

### **Waste Classification**

- E6. The Applicant shall ensure any waste generated on the site is classified in accordance with the EPA's *Waste Classification Guidelines* (DECCW, 2009), or any superseding document and disposed of to a facility that may lawfully accept the waste.

### **Waste Management**

- E7. For the life of the development, the Applicant shall:
- monitor the amount of waste generated by the development;
  - investigate ways to minimise waste generated by the development; and
  - implement reasonable and feasible measures to minimise waste generated by the development.

### **Storage of Hazardous or Toxic Material**

- E8. Any hazardous or toxic materials must be stored in accordance with WorkCover requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

### **Loading and Unloading**

- E9. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.

### **Public Way to be Unobstructed**

- E10. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **External Lighting**

- E11. External Lighting shall comply with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the Crown Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

### **Landscaping**

- E12. The landscaping is to be maintained at all times following its installation in accordance with the approved Landscape Plan. Any trees planted as part of the approved Landscape Plan shall be of a suitable advanced stage.

### **Storage of Chemicals and Fuel**

- E13. Any chemicals and fuel storage must be stored in accordance with Workcover Authority requirements.

### **Fire Safety Certification**

- E14. 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.
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## **ADVISORY NOTES**

### **Appeals**

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *EP&A Act* and *EP&A Regulation*.

### **Long Service Levy**

AN2. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### **Other Approvals and Permits**

AN3. The Applicant shall apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

### **Responsibility for other consents / agreements**

AN4. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **Use of Mobile Cranes**

AN5. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- a) for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - ii) at least four weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions, and
- b) the use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am without the prior approval of Council.

### **Temporary Structures**

AN6.

- a) An approval under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* to certify the structural adequacy of the design of the temporary structures.

### **Disability Discrimination Act**

AN7. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The

Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - *Design for Access and Mobility*. AS 1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN8.

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **Asbestos Removal**

AN9. All excavation and demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

### **Site contamination issues during construction**

AN10. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.