

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

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

David Gainsford  
**Executive Director**  
**Infrastructure Assessments**

Sydney

26 July 2019

***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

<b>Application Number:</b>	SSD 8989
<b>Applicant:</b>	Catholic Diocese of Maitland-Newcastle
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 412 and Lot 413 in DP 1063902 507 Medowie Road and 2 Kingfisher Close, Medowie
<b>Development:</b>	Development of a new primary school, high school, early learning centre and chapel comprising: <ul style="list-style-type: none"><li>• the demolition of existing structures;</li><li>• construction and operation of a new high school up to 1190 students, primary school for up to 630 students, early learning centre (0-5 years) for up to 124 children and 500 seat chapel; and</li><li>• associated works including remediation, earthworks, drainage, car parking, road, footpath, access and landscaping.</li></ul>

For information only

# CONSOLIDATED CONSENT

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-8989-Mod-1	4 September 2020	Director Social and Infrastructure Assessments	Short term interim vehicular traffic arrangement to facilitate commencement of operation of part of the school development prior to completion of the main signalised intersection.
SSD-8989-Mod-2	14 January 2022	Acting Team Leader Social Infrastructure Assessments	Minor design amendments to the approved high school buildings Blocks A, E, F, G and H, minor reconfiguration of Carpark 4 including removal of two car parking spaces and amendments to the construction staging.

For information

# CONSOLIDATED CONSENT

## DEFINITIONS

<b>Applicant</b>	Mirvac, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	All physical work to enable operation, including but not limited to internal demolition, unless limited by the consent (Condition A19)
<b>Council</b>	City of Sydney Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm 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, including the works and activities comprising internal demolition, construction and public domain works, as modified by the conditions of this consent
<b>EIS</b>	The Environmental Impact Statement, prepared by Ethos Urban dated November 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<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>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<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 Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or 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)

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<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<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>

For information only

# CONSOLIDATED CONSENT

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

A1. 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

A2. 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, the [Modification Report and accompanying documents prepared by DeWitt Consulting for SSD-8989-Mod-1 \(dated April 2020\)](#) and [SSD-8989-Mod-2 \(dated October 2021\)](#);
- (d) in accordance with the approved plans in the table below:

<b>Architectural Plans prepared by Webber Architects</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
2544_DA_01_0004_P	P	Site Analysis Plan	19.12.2018
<b>2544 / 01_0005 / P</b>	<b>P</b>	Site Staging Plan	<b>30.11.2021</b>
2544_DA_02_0002_KK	KK	Site Plan – Overall	07.03.2019
<b>2544 / 02_0005 / BB</b>	<b>BB</b>	Site Plan – South	<b>13.12.2021</b>
<b>2544 / 02_0003 / Y</b>	<b>Y</b>	Site Plan – North	<b>13.12.2021</b>
<b>2544 / 02_0004 / Z</b>	<b>Z</b>	Site Plan – Central	<b>13.12.2021</b>
2544_TD_02_0035_B	B	Site Fire Trial Staging	19.12.2018
<b>2544 / 02_0038 / F</b>	<b>F</b>	Site Staging & Construction Access	<b>30.11.2021</b>
2544_02_0401_E	E	Site Elevations - 01	15.05.2018
2544_02_0402_E	E	Site Elevations - 02	15.05.2018
2544_02_0403_D	D	Site Elevations - 03	15.05.2018
<b>2544 / 02_0501 / M</b>	<b>M</b>	Site Sections - 01	<b>12.12.2021</b>
2544_02_0502_K	K	Site Sections – 02	15.05.2018
2544_02_1901_E	E	Site Plan	17.10.2018
<b>2544 / 03_0001 / W</b>	<b>W</b>	Site Floor Plan – Ground - 01	<b>13.12.2021</b>
<b>2544 / 03_0002 / U</b>	<b>U</b>	Site Floor Plan – Ground - 02	<b>13.12.2021</b>
<b>2544 / 03_0003 / S</b>	<b>S</b>	Site Floor Plan – Level - 01	<b>13.12.2021</b>
<b>2544 / 03_0004 / U</b>	<b>U</b>	Site Floor Plan – Level 1 - 02	<b>13.12.2021</b>
<b>2544 / 03_0005 / U</b>	<b>U</b>	Site Floor Plan – Level 1 - 03	<b>13.12.2021</b>
2544_03_0101_J	J	Floor Plan – Block A – Ground – 01	15.05.2018

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		High School	
2544_03_0102_E	E	Floor Plan – Block A – Ground – 02 High School	15.05.2018
<b>2544 / 03_0103 / F</b>	<b>F</b>	Floor Plan - Block A - Ground - 03 High School - Block A - Administration	<b>13.12.2021</b>
<b>2544 / 03_0104 / J</b>	<b>J</b>	Floor Plan – Block A – Level 1 – 01 High School – <b>Block A – Administration</b>	<b>13.12.2021</b>
2544_03_0105_E	E	Floor Plan – Block A – Level 1 – 02 High School	15.05.2018
<b>2544 / 03_0106 / F</b>	<b>F</b>	Floor Plan - Block A - Level 1 - 03 High School - Block A - Administration	<b>13.12.2021</b>
2544_03_0111_E	E	Roof Plan – Block A – 01 High School	15.05.2018
<b>2544 / 03_0112 / F</b>	<b>F</b>	Roof Plan – Block A – 02 High School – <b>Block A – Administration</b>	<b>13.12.2021</b>
2544_03_0114_E	E	Roof Plan – Block A – 01 – Interim	28.09.2018
2544_03_0201_T	T	Floor Plan – Block B – Ground Chapel	24.09.2018
2544_03_0202_J	J	Floor Plan – Block B – Level 1 Chapel	15.05.2018
2544_03_0205_H	H	Roof Plan – Block B Chapel	24.09.2018
2544_03_0301_H	H	Floor Plan – Block C – Ground High School – Science	15.05.2018
2544_03_0303_F	F	Roof Plan – Block C High School – Science	28.09.2018
2544_03_0401_H	H	Floor Plan – Block D – Ground High School	15.05.2018
2544_03_0403_F	F	Roof Plan – Block D – Tas High School	15.05.2018
<b>2544 / 03_0501 / J</b>	<b>J</b>	Floor Plan – Block E – Ground High School – TAS	<b>13.12.2021</b>
2544_03_0503_H	H	Roof Plan – Block E High School TAS & Design	28.09.2018
<b>2544 / 03_0601 / I</b>	<b>I</b>	Floor Plan – Block F – Ground High School – <b>Art &amp; PD/H/PE</b>	<b>13.12.2021</b>
<b>2544 / 03_0603 / J</b>	<b>J</b>	Roof Plan – Block F High School – <b>Art &amp; PD/H/PE</b>	<b>13.12.2021</b>
<b>2544 / 03_0701 / I</b>	<b>I</b>	Floor Plan – Block G – Ground High School – <b>Learning Hub</b>	<b>13.12.2021</b>
<b>2544 / 03_0702 / I</b>	<b>I</b>	Floor Plan – Block G – Level 1 High	<b>13.12.2021</b>

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		School – Learning Hub	
<b>2544 / 03_0705 / F</b>	<b>F</b>	Roof Plan – Block G High School – Learning Hub	<b>13.12.2021</b>
<b>2544 / 03_0801 / J</b>	<b>J</b>	Floor Plan – Block H – Ground High School – Classroom Block	<b>13.12.2021</b>
<b>2544 / 03_0802 / J</b>	<b>J</b>	Floor Plan – Block H – Level 1 High School – Classroom Block	<b>13.12.2021</b>
<b>2544 / 03_0805 / F</b>	<b>F</b>	<b>DA MOD</b> Roof Plan – Block H High School – Classroom Block	<b>13.12.2021</b>
2544_03_0901_I	I	Floor Plan – Block I – Ground HS GPLA	15.05.2018
2544_03_0902_I	I	Floor Plan – Block I – Level 1 HS GPLA	15.05.2018
2544_03_0905_E	E	Roof Plan – Block I HS GPLA	28.09.2018
2544_03_1001_I	I	Floor Plan – Block J – Ground High School	15.05.2018
2544_03_1002_I	I	Floor Plan – Block J – Level 1 High School	15.05.2018
2544_03_1005_E	E	Roof Plan – Block J High School	29.03.2018
2544_03_1201_D	D	Floor Plan – Block L – Ground Primary School	15.05.2018
2544_03_1203_D	D	Roof Plan – Block L Primary School	15.05.2018
2544_CD_03_1301_D	D	Floor Plan – Block M – Ground Primary School	15.05.2018
2544_03_1305_E	E	Roof Plan – Block M Primary School	29.09.2018
2544_CD_03_1401_E	E	Floor Plan – Block N – Ground Primary School GPLA	15.05.2018
2544_CD_03_1405_E	E	Roof Plan – Block N Primary School GPLA	15.05.2018
2544_AR_DA_A_03_1501_E	E	Floor Plan – Block O – Ground Primary School	15.05.2018
2544_DA_03_1504_D	D	Roof Plan – Block O Primary School	15.05.2018
2544_03_1601_D	D	Floor Plan – Block P – Ground Primary School	15.05.2018
2544_03_1605_D	D	Roof Plan – Block P Primary School	15.05.2018
2544_03_1701_I	I	Floor Plan – Block Q – Ground Early Learning Centre	15.05.2018
2544_03_1705_M	M	Roof Plan – Block Q Early Learning Centre	28.09.2018
2544_03_1901_D	D	Floor Plan – Ground – Block FLV	08.08.2018
<b>2804 / 03_0901 / A</b>	<b>A</b>	<b>Floor Plan - Maintenance Shed</b>	<b>13.12.2021</b>



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<b>2804 / 03_0905 / A</b>	<b>A</b>	<b>Roof Plan - Maintenance Shed</b>	<b>13.12.2021</b>
<b>2804 / 03_1001 / A</b>	<b>A</b>	<b>Floor Plan - Pe Store</b>	<b>13.12.2021</b>
<b>2804 / 03_1002 / A</b>	<b>A</b>	<b>Roof Plan - Pe Store</b>	<b>13.12.2021</b>
<b>2544 / 04_0101 / I</b>	<b>I</b>	Elevations – Block A – 01 High School – <b>Block A – Administration</b>	<b>13.12.2021</b>
<b>2544 / 04_0102 / I</b>	<b>I</b>	Elevations – Block A – 02 High School – <b>Block A – Administration</b>	<b>13.12.2021</b>
2544_04_0201_N	N	Elevation – Block B – 01 Chapel	24.09.2018
2544_04_0202_N	N	Elevation – Block B – 02 Chapel	24.09.2018
2544_04_0301_H	H	Elevations – Block C – 01 High School – Science	28.09.2018
2544_04_0302_H	H	Elevations – Block C – 02 High School – Science	28.09.2018
2544_04_0401_G	G	Elevations – Block D – 01 High School	15.05.2018
2544_04_0402_G	G	Elevations – Block D – 02 High School	15.05.2018
<b>2544 / 04_0501 / J</b>	<b>J</b>	Elevations – Block E – 01 High School	<b>13.12.2021</b>
<b>2544 / 04_0502 / J</b>	<b>J</b>	Elevations – Block E – 02 High School	<b>13.12.2021</b>
<b>2544 / 04_0601 / J</b>	<b>J</b>	Elevations – Block F – 01 High School – <b>Art &amp; PD/H/PE</b>	<b>13.12.2021</b>
<b>2544 / 04_0602 / J</b>	<b>J</b>	Elevations – Block F – 02 High School – <b>Art &amp; PD/H/PE</b>	<b>13.12.2021</b>
<b>2544 / 04_0701 / H</b>	<b>H</b>	Elevations – Block G – 01 High School – <b>Learning Hub</b>	<b>13.12.2021</b>
<b>2544 / 04_0702 / H</b>	<b>H</b>	Elevations – Block G – 02 High School – <b>Learning Hub</b>	<b>13.12.2021</b>
<b>2544 / 04_0801 / H</b>	<b>H</b>	Elevations – Block H – 01 High School – <b>Classroom Block</b>	<b>13.12.2021</b>
<b>2544 / 04_0802 / H</b>	<b>H</b>	Elevations – Block H – 02 High School – <b>Classroom Block</b>	<b>13.12.2021</b>
2544_04_0901_H	H	Elevations – Block I – 01 HS GPLA	28.09.2018
2544_04_0902_H	H	Elevations – Block I – 02 HS GPLA	28.09.2018
2544_04_1001_G	G	Elevations – Block J – 01 High School	15.05.2018
2544_04_1002_G	G	Elevations – Block J – 02 High School	15.05.2018
2544_04_1201_D	D	Elevations – Block L – 01 Primary School	15.05.2018

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2544_04_1202_D	D	Elevations – Block L – 02 Primary School	15.05.2018
2544_04_1301_E	E	Elevations – Block M – 01 Primary School	29.09.2018
2544_04_1302_E	E	Elevations – Block M – 02 Primary School	29.09.2018
2544_CD_04_1401_E	E	Elevations – Block N – 01 Primary School GPLA	15.05.2018
2544_DA_04_1501_E	E	Elevations – Block O – 01 Primary School	15.05.2018
2544_DA_04_1502_D	D	Elevations – Block O – 02 Primary School	15.05.2018
2544_04_1601_D	D	Elevations – Block P – 01 Primary School	15.05.2018
2544_04_1602_D	D	Elevations – Block P – 02 Primary School	15.05.2018
2544_04_1701_M	M	Elevations – Block Q – 01 Early Learning Centre	28.09.2018
2544_04_1702_M	M	Elevations – Block Q – 02 Early Learning Centre	28.09.2018
2544_04_1901_D	D	Elevations – Block FLV	08.08.2018
<b>2804 / 04_0901 / A</b>	<b>A</b>	<b>Elevation Sheet 1 - Maintenance Shed</b>	<b>13.12.2021</b>
<b>2804 / 04_0902 / A</b>	<b>A</b>	<b>Elevation Sheet 2 - Maintenance Shed</b>	<b>13.12.2021</b>
<b>2804 / 04_1001 / A</b>	<b>A</b>	<b>Elevation 1 - Pe Store</b>	<b>13.12.2021</b>
<b>2544 / 05_0101 / F</b>	<b>F</b>	Sections – Block A – 01 High School <b>– Block A – Administration</b>	<b>13.12.2021</b>
<b>2544 / 05_0102 / E</b>	<b>E</b>	Sections – Block A – 02 High School <b>– Block A – Administration</b>	<b>13.12.2021</b>
2544_05_0201_L	L	Section – Block B – 01 Chapel	24.09.2018
2544_05_0301_F	F	Sections – Block C – 01 High School - Science	15.05.2018
2544_05_0401_G	G	Sections – Block D – 01 High School	15.05.2018
<b>2544 / 05_0501 / I</b>	<b>I</b>	Sections – Block E – 01 High School TAS	<b>13.12.2021</b>
<b>2544 / 05_0601 / I</b>	<b>I</b>	Sections – Block F – 01 High School <b>– Art &amp; PD/H/PE</b>	<b>13.12.2021</b>
<b>2544 / 05_0602 / E</b>	<b>E</b>	Sections – Block F – 02 High School <b>– Art &amp; PD/H/PE</b>	<b>13.12.2021</b>
<b>2544 / 05_0701 / E</b>	<b>E</b>	Sections – Block G – 01 High School <b>– Learning Hub</b>	<b>13.12.2021</b>

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2544 / 05_0702 / E	E	Sections – Block G – 02 High School – <b>Learning Hub</b>	13.12.2021
2544 / 05_0801 / F	F	Sections – Block H – 01 High School – <b>Classroom Block</b>	13.12.2021
2544 / 05_0802 / E	E	Sections – Block H – 02 High School – <b>Classroom Block</b>	13.12.2021
2544_05_0901_D	D	Sections – Block I – 01 HS GPLA	15.05.2018
2544_05_0902_D	D	Sections – Block I – 02 HS GPLA	15.05.2018
2544_05_1001_F	F	Sections – Block J – 01 High School	15.05.2018
2544_05_1002_D	D	Sections – Block J – 02 High School	15.05.2018
2544_05_1201_D	D	Sections – Block L – 01 Primary School	15.05.2018
2544_05_1202_D	D	Sections – Block L – 02 Primary School	15.05.2018
2544_CD_05_1301_D	D	Sections – Block M – 01 Primary School	15.05.2018
2544_CD_05_1401_E	E	Sections – Block N – 01 Primary School GPLA	15.05.2018
2544_DA_05_1501_E	E	Sections – Block O – 01 Primary School	15.05.2018
2544_05_1601_D	D	Sections – Block P – 01 Primary School	15.05.2018
2544_05_1701_G	G	Sections – Block Q – 01 Early Learning Centre	15.05.2018
2544_05_1901_C	C	Sections – Block FLV	28.06.2018
2804 / 05_0901 / A	A	Sections Sheet 1 - Maintenance Shed	13.12.2021
2804 / 05_1001 / A	A	Section 1 - Pe Store	13.12.2021
<b>Landscape Plans prepared by <i>Moir Landscape Architecture</i></b>			
Dwg No.	Rev	Name of Plan	Date
4		Carpark Entry Plan	9.04.2019
5		Entry Signage 1	9.04.2019
6		Entry Signage 2	9.04.2019
1		Landscape Master Plan	26.04.2019
3		Landscape Planting Plan	26.04.2019
2		Tree Canopy Strategy	26.04.2019
4		Tree Removed Plan	26.04.2019
<b>Stormwater and Civil Plans prepared by <i>mpc</i></b>			
Dwg No.	Rev	Name of Plan	Date
DA00.00	0	Overall Site Plan	13.12.2018
DA01.00	0	Sedimentation and Erosion Control	13.12.2018

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		Plan Sheet 1	
DA01.01	0	Sedimentation and Erosion Control Plan Sheet 2	13.12.2018
DA01.02	0	Sedimentation and Erosion Control Plan Sheet 3	13.12.2018
DA01.03	0	Sedimentation and Erosion Control Plan Sheet 4	13.12.2018
DA01.04	0	Sedimentation and Erosion Control Plan Sheet 5	13.12.2018
DA01.05	0	Sedimentation and Erosion Control Plan Sheet 6	13.12.2018
DA01.06	0	Sedimentation and Erosion Control Plan Sheet 7	13.12.2018
DA01.07	0	Sedimentation and Erosion Control Plan Sheet 8	13.12.2018
DA01.08	0	Sedimentation and Erosion Control Plan Sheet 9	13.12.2018
DA01.50	0	Sedimentation and Erosion Control Details	13.12.2018
DA02.00	0	Stormwater Plan Sheet 1	13.12.2018
DA02.01	0	Stormwater Plan Sheet 2	13.12.2018
DA02.02	0	Stormwater Plan Sheet 3	13.12.2018
DA02.03	0	Stormwater Plan Sheet 4	13.12.2018
DA02.04	0	Stormwater Plan Sheet 5	13.12.2018
DA02.05	0	Stormwater Plan Sheet 6	13.12.2018
DA02.06	0	Stormwater Plan Sheet 7	13.12.2018
DA02.07	0	Stormwater Plan Sheet 8	13.12.2018
DA02.08	0	Stormwater Plan Sheet 9	13.12.2018
DA02.50	0	Stormwater Details	13.12.2018
R02	4	General Arrangement Plan	01.11.2018
R04	4	Roadworks & Drainage Plan Sheet 1 of 4	01.11.2018
R05	4	Roadworks & Drainage Plan Sheet 2 of 4	01.11.2018
R06	4	Roadworks & Drainage Plan Sheet 3 of 4	01.11.2018
R07	4	Roadworks & Drainage Plan Sheet 4 of 4	01.11.2018
<b>Interim Access Engineering Plans prepared by <i>mpc</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
R202	3	Site Plan	29.07.2020

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- A3. 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 Department regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. 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 **Error! Reference source not found.** or A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition **Error! Reference source not found.** and A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

## Limits of Consent

- A5. This consent lapses five years after the date of consent unless the works associated with the development have physically commenced.

## Prescribed Conditions

- A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

## Planning Secretary as Moderator

- A7. 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

- A8. 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

- A9. The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the approval of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction (excluding demolition works) 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).
- A10. A Staging Report prepared in accordance with condition A9 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

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- 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.
- A11. Where staging is proposed, the project must be staged in accordance with the Staging Report, as approved to the Planning Secretary.
- A12. Where staging is proposed, the terms of this approval 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.

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

- A13. With the approval of the Planning Secretary, 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 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 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, programs and drawings required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. If the Planning Secretary agrees, a strategy, plan, program or drawing may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A15. If approved by the Planning Secretary, updated strategies, plans, programs or drawings 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

- A16. 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.

### Notes:

- *Part 8 of the EP&A Regulation 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

- A17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## Design and Construction for Bush Fire

- A18. Shade sail materials must be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials.

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## Applicability of Guidelines

- A19. 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.
- A20. 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

- A21. 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

- A22. 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 A2 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.

## Compliance

- A23. 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.

## Road design changes

- A24. The *General Arrangement Plan (issue 4)* prepared by mpc dated 01.11.2018 must be amended in accordance with the TfNSW(RMS) design review request dated 27.02.19 (Annexure B) and in consultation with TfNSW(RMS) and Council.
- A25. To safely manage the operation of the proposed access, the bus entry pavement must be treated with "Bus Lane" pavement treatments in accordance with RMS Delineation Section 9 – Messages on Pavements (example provided in section 9.3.3.1c of this document).

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## Site Contamination

- A26. Remediation approved as part of this development consent must be carried out in accordance with the *Remedial Action Plan* dated 11 October 2018 and prepared by RCA Australia.
- A27. Upon completion of remedial works, the Applicant must submit a Site Audit Report and Site Audit Statement for the relevant part of the site prepared by an EPA accredited Site Auditor. The Site Audit Report and Site Audit Statement must verify the relevant part of the site is suitable for the early learning centre and schools land use and be provided to the satisfaction of the Principal Certifying Authority.

## Incident Notification, Reporting and Response

- A28. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) 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.
- A29. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 1**.

## Non-Compliance Notification

- A30. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Principal Certifying Authority must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A31. The notification must identify the development and the application number for it, set out the condition of 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.
- A32. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## Groundwater

- A33. Any removal of groundwater from the site must comply with the requirements of the Protection of the Environment Operations Act 1997 and appropriate water access licence must be obtained.

## Revision of Strategies, Plans and Programs

- A34. Within three months of:
- the submission of a compliance report under condition C40;
  - the submission of an incident report under condition A29 the submission of an Independent Audit under condition D32;
  - the approval of any modification of the conditions of this consent; or
  - the issue of a direction of the Planning Secretary under condition A3 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department and the Principal Certifying Authority must be notified in writing that a review is being carried out.
- A35. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary and Principal Certifying Authority. Where revisions are required, the revised document must be submitted to the Planning Secretary and Principal Certifying Authority for approval 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.*



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## Footpath works

A36. The proposed footpaths must be designed and constructed by the Applicant in accordance with Council's specifications and with consultation with Council. All footpaths must be completed by the Applicant at their cost unless an alternative agreement is agreed by Council.

## ADVISORY NOTES

- 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.
- 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.
- AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.
- AN4. New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bushfire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
- AN5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bush Fire Protection 2006*.

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## PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### Certified Drawings

- B1. Prior to the issue of a construction certificate, the Applicant must submit to the satisfaction of the Principal Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### External Walls and Cladding

- B2. Prior to the issue of a construction certificate, the Applicant must provide the Principal Certifying Authority 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 Principal Certifying Authority to the Planning Secretary within seven days after the Principal Certifying Authority accepts it.

### Stormwater Management System

- B3. Prior to the issue of a construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Planning Secretary:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS;
  - (c) be designed in accordance with Port Stephens DCP 2014, Infrastructure Specification and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council);
  - (d) A Geotechnical Engineer must determine the steady state infiltration rate at each proposed infiltration device location, using the Double Ring Infiltrometer test method (ASTM D3385-18), if current Hydrological Soil Mapping data is not adopted;
  - (e) On-Site Stormwater Detention/Infiltration with supporting calculations for a system capable of catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event;
  - (f) An emergency overland flow path for major storm events, catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event, that is directed to the public drainage system;
  - (g) Water quality control devices that comply with the requirements of the applicable Port Stephens DCP 2014;
  - (h) Evidence that the water quality control devices comply with Council's water quality targets, Music Modelling and Music Link Certificate;
  - (i) Evidence of Council (or relevant authority) approval for stormwater connection to the public system, with the above supporting details endorsed, under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993; and
  - (j) be in accordance with applicable Australian Standards.
  - (k) Stormwater Management Plans with details of drainage infrastructure including the following:
    - (i) detailed flow regime analysis that demonstrates that the development would not impact significantly on the quantity of surface and groundwater flows to and from the adjacent coastal wetland;
    - (ii) assessment of the localised impact of the stormwater discharges to the coastal wetlands including proposed mitigation measures to prevent scouring, sedimentation and other physical impacts at the stormwater drainage system outlets into the coastal wetlands on the northern boundary of the Site;
    - (iii) details of measures to manage increased stormwater volumes from the development surfaces (e.g. stormwater harvesting, distributed infiltration, increased surface area to enhance evapotranspiration and infiltration and diversion of stormwater (where feasible));

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- (iv) consistency of the sizes, volumes and number of on-site detention basins and the headwalls with the existing sediment basins and headwalls on the Site;
  - (v) demonstrate that gross pollutant, total suspended solid, phosphorus and nitrogen loads discharged from the development into the coastal wetland after stormwater treatment comply with Council's load-based water quality targets;
  - (i) demonstrate that the proposed development would not significantly impact on the quality of surface and groundwater flows to and from the adjacent coastal wetland; and
  - (ii) demonstrate how Water Sensitive Urban Design (WSUD) design principles have been considered across the development to mitigate potential impacts on the mapped coastal wetlands.
- (l) a report prepared by a suitably qualified ecologist assessing the impacts of any changes to hydrology (flow regimes) and stormwater runoff quality associated with the development on the EECs, TECs, threatened species located within the coastal wetlands to the south of the site and on the overall biophysical, hydrological and ecological integrity of the mapped wetlands within the site and the adjoining lands; and
- (m) evidence of consultation with Council to determine the location of the stormwater assets and in the preparation of the stormwater plans and flood reports, plans for relocating Council assets (if any), proposed connections and the protection of relevant assets.

## Neutral or Beneficial Effect on Water Quality (NorBE)

- B4. Prior to the issue of a construction certificate, the Applicant must demonstrate to the satisfaction of the Principal Certifying Authority compliance with Port Stephens Council's water quality provisions in DCP 2014 and with NorBE.

## Hydraulic Design Assessment

- B5. Prior to the issue of a construction certificate, an application for a hydraulic design assessment of internal water and sewerage services for this development, including rainwater tanks and any alternative water supply system must be submitted to Hunter Water. Contact Hunter Water's Technical Services Team on (02) 4979 9712 or via email [plumbing@hunterwater.com.au](mailto:plumbing@hunterwater.com.au) to confirm the specific requirements.

## Biodiversity

- B6. The development must demonstrate that the proposal is consistent with the endorsed *Biodiversity Development Assessment Report* (BDAR) prepared by Biosis dated 20 April 2018 and all recommendations to mitigate the direct, indirect and prescribed impacts in the BDAR.

## Development Contributions

- B7. Prior to the issue of a construction certificate, a monetary contribution is to be paid to Council, pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Port Stephens Council Fixed Development Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the Environmental Planning and Assessment Regulation 2000 and outlined in the table below:

Capital Investment Value	Levy Rate (% of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

- B8. The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Development Contributions Plan. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors.

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B9. The Applicant must provide evidence to the satisfaction of the Principal Certifying Authority of compliance with Development contributions. Conditions B7 and B8 cannot be taken to be satisfied until:

- (a) A payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition; or
- (b) The development has entered into an agreement for works of material public benefit with Council.

A Material Public Benefit Agreement can be entered into with Council for the construction of footpaths in accordance with conditions of this consent. An offset will be provided against the total Section 7.12 contribution up to the cost of the value of works of material public benefit. The developer will need to pay the difference between the value of works and the total monetary contributions.

For information only

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## PART C PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department 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.

### Pre-Construction Dilapidation Report

- C3. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Principal Certifying Authority. The report must provide an accurate record of the existing condition of adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

### Protection of Public and Private Property Infrastructure

- C4. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services 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 dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths);
  - (c) prepare a dilapidation report identifying the condition of all adjoining and nearby premises including No. 527 and 529 Medowie Road;
  - (d) prepare a report by a professional engineer detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions, and demonstrating the suitability of the proposed methods of construction to overcome any potential damage to nearby premises.
  - (e) submit a copy of the dilapidation report and engineers report to the Principal Certifying Authority and Council.

### Demolition

- C5. 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 Principal Certifying Authority and Planning Secretary.

### Utilities and Services

- C6. Prior to the commencement of the construction (excluding demolition works) of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- C7. Prior to the commencement of construction (excluding demolition 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.

### Community Communication Strategy

- C8. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval (and approved by the Planning Secretary) prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. 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.

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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.

## Ecologically Sustainable Development (ESD)

- C9. Prior to the commencement of construction (excluding demolition works):
- (a) the Applicant must appoint a suitably qualified Green Star Accredited Professional to monitor the detailed design of the proposed works to ensure that all ESD measures set out in Appendix 39 Ecologically Sustainable Design (ESD) Measures (Rev B) prepared by webber architects dated 13 June 2018 within the EIS are incorporated.
  - (b) evidence must be submitted to the satisfaction of the Principal Certifying Authority from a suitably qualified Green Star Accredited Professional that the ESD measures set out in Appendix 39 of the EIS have been incorporated into the design of the works proposed.
  - (c) details of the proposed ESD measures to be implemented are to be submitted to the satisfaction of the Principal Certifying Authority.

## Environmental Management Plan Requirements

- C10. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development;
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);

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- (ii) complaint;
- (iii) failure to comply with statutory requirements; and
- (h) a protocol for periodic review/update of the plan and as updates in response to incidents or matters of non-compliance.

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

## Construction Environmental Management Plan (Demolition)

C11. Prior to the commencement of demolition, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of Principal Certifying Authority and 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;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) groundwater management plan including measures to prevent groundwater contamination;
  - (vii) external lighting in compliance with CASA Manual of Standards (MOS-139) Aerodromes with the objectives of minimising light spill;
  - (viii) community consultation and complaints handling;
  - (ix) pedestrian traffic management;
  - (x) noise and vibration management;
  - (xi) waste management;
  - (xii) soil and water management;
  - (xiii) asbestos management;
  - (xiv) an unexpected finds protocol for contamination and associated communication procedure; and
  - (xv) waste classification (for materials to be removed) and validation (for materials to remain).

## Construction Environmental Management Plan

C12. Prior to the commencement of construction (excluding demolition), the Applicant must submit a CEMP to the satisfaction of 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;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) groundwater management plan including measures to prevent groundwater contamination;
  - (vii) external lighting in compliance with CASA Manual of Standards (MOS-139) Aerodromes with the objectives of minimising light spill;
  - (viii) community consultation and complaints handling;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C13);

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- (c) Construction Noise and Vibration Management Sub-Plan (see condition C14);
  - (d) Construction Waste Management Sub-Plan (see condition C15);
  - (e) Construction Soil and Water Management Sub-Plan (see condition C16);
  - (f) Aboriginal Cultural Heritage Management Sub-Plan (see condition C17);
  - (g) Biodiversity Management Sub-Plan (see condition C18);
  - (h) Bush Fire and Flood Emergency Response Sub-Plan (see condition C19);
  - (i) Koala Management Sub-Plan (see condition C20);
  - (j) Findings of the Arboricultural impact assessment report;
  - (k) Asbestos Management Plan;
  - (l) an unexpected finds protocol for contamination and associated communications procedure;
  - (m) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (n) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- C13. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must 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 (RMS);
  - (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;
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) ensure truck drivers use specified routes;
  - (f) include a program to monitor the effectiveness of these measures; and
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- C14. 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 noise expert;
  - (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 C8; and
  - (f) include a complaints management system that would be implemented for the duration of the construction.
- C15. The Construction Waste Management Sub-Plan (CWMSPP) must address, but not be limited to, the following:



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- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
  - (b) 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 in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- C16. 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;
  - (c) include an Acid Sulfate Soils Management Plan, if required, 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 all off-Site flows from the Site; and
  - (f) 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 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI).
- C17. 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.
- C18. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to the following:
- (a) the BMSP must be prepared by a suitably qualified person and submitted to the Planning Secretary for approval prior to the commencement of construction works on site.
  - (b) include all recommendations to mitigate the direct, indirect and prescribed impacts for works contained in the endorsed BDAR and the management and mitigation measures in EIS and Response to Submissions;
  - (c) include details of measures to protect the vegetation on the south western part of the Site, specifically the coastal wetlands mapped under the Coastal management.
  - (d) Include a Vegetation Management Sub-Plan (VMP) for the Site during the construction works;
  - (e) include measures to communicate to the construction workforce the biodiversity values that are to be retained and protected.
  - (f) any hollows removed be salvaged and replaced into trees within the vegetated areas to be retained or they be replaced with nest boxes in consultation with Council suitable to native fauna likely to use the site;
  - (g) include a Fauna Management Plan for the site including details of impacts and proposed mitigation measures due to impact on movement, construction traffic, proposed construction hours, details of any fencing, restricting developments in identified areas, light spill, construction noise and on-site crane movements; and
  - (h) include details to install and maintain exclusion fencing along the riparian corridor and around any native vegetation not being removed as part of this development.
- C19. The Bush Fire and Flood Emergency Response Sub-Plan (BFFERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the Planning for Bushfire Protection 2006;

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- (c) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
  - (d) include details of:
    - (i) the bush fire and flood emergency responses for both construction and operation 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.
- C20. The Koala Management Sub-Plan (KMSP) must address, but not be limited to, the following:
- (a) the KMSP must be prepared by a suitably qualified person and submitted to the Planning Secretary for approval prior to the commencement of construction works on site;
  - (b) Identify habitat corridors, of adequate dimensions to provide an adequate Koala habitat corridor supported by a Koala specialist;
  - (c) include details of structures to eliminate barriers to movement (presented by fences, roads, drainage culverts or pits and the like) for koalas and other native fauna likely to use the site or habitat corridor;
  - (d) include details of Koala feed tree offsets in accordance with the Port Stephens Tree Technical Specification 2014.
  - (e) include all recommendations to mitigate impacts for works contained in the EIS and the endorsed BDAR and the management and mitigation measures in EIS and Response to Submissions;
  - (f) include details monitoring, management and maintenance procedures for Koala habitat corridors;
  - (g) include measures to communicate to the construction workforce the presence of Koala habitat and that are to be retained and protected; and
  - (h) include other measures to minimise the risk of harm to koalas.

### Flood Management

- C21. Prior to the commencement of construction (excluding demolition works), the Principal Certifying Authority must be satisfied that all floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard.
- C22. Prior to the commencement of construction (excluding demolition works), the Principal Certifying Authority must be satisfied that any structures below the 1% Annual Exceedance Probability plus 500mm of freeboard must be constructed from flood compatible building components.

### Construction Parking

- C23. Prior to the commencement of construction of all stages, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

### Construction and Demolition Waste Management

- C24. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the TfNSW (RMS) Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.

### Public Domain Works

- C25. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Principal Certifying Authority that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Principal Certifying Authority.

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## Rainwater Harvesting

C26. Prior to the commencement of construction (excluding demolition works), the Applicant must ensure that a rainwater reuse/harvesting system is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

## Biodiversity

C27. Prior to commencement of construction (excluding demolition), the following credits must be retired to offset the residual biodiversity impacts of the development:

(a) Ecosystem credits as specified in **Table 1**:

**Table 1** Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-regions from which the credit can be sourced	Plant community type(s) that can be used to offset the impacts from development
PCT 1564 – Blackbutt – Rough – barked Apple – Turpentine – ferny tall open forest of the Central Coast  Hunter Lowland Redgum Forest in the Sydney Basin and New South Wales North Coast Bioregions	9	Karuah Manning, Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter or any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Hunter Lowland Redgum Forest in the Sydney Basin and New South Wales North Coast Bioregions (including PCT's 690, 697, 698, 755, 1092, 1262, 1267, 1268, 1281, 1385, 1548, 1549, 1550, 1556, 1557, 1558, 1564, 1565, 1580, 1582, 1584, 1585, 1845, 1846, 1847, 1914)
PCT 1598 – Forest Red Gum grassy open forest on floodplains of the lower Hunter  Hunter Lowland Redgum Forest in the Sydney Basin and New South Wales North Coast Bioregions	5	Karuah Manning, Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter or any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Hunter Lowland Redgum Forest in the Sydney Basin and New South Wales North Coast Bioregions (including PCT's 42, 1591, 1598, 1603, 1605, 1691, 1692, 1749)
PCT 1619 – Smoot – barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia health open forest of coastal lowlands  Hunter Lowland Redgum Forest in the Sydney Basin and New South Wales North Coast	5	Karuah Manning, Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter or any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Hunter Lowland Redgum Forest in the Sydney Basin and New South Wales North Coast Bioregions (including PTC's 1083, 1138, 1156, 1181, 1183, 1250, 1253, 1619, 1620, 1621, 1623, 1624, 1625, 1627, 1632, 1636, 1638, 1642, 1643, 1681, 1776, 1777, 1778, 1780, 1782, 1783, 1785, 1786,

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Bioregions			1787)
PCT 1718 – Swamp Mahogany – Flax leaved Paperbark swamp forest on coastal lowlands of the Central Coast	4	Karuah Manning, Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter or any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Swamp Sclerophyll Forest on Costal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (including PTC's 837, 839, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798)
Swamp Sclerophyll Forest on Costal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions			

- (b) Species credits as specified in **Table 2**:

**Table 2** Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-regions from which the credit can be sourced
Koala <i>Phascolarctos cinereus</i>	6	Anywhere

- C28. The requirement to retire like – for – like ecosystem credits and like – for – like species credits in condition C27 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits / species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- C29. Evidence of retirement of credits in condition C27 or payments to the Biodiversity Conservation Fund in satisfaction of condition C28 must be provided to the Planning Secretary for approval prior to the commencement of the works that would impact on the biodiversity values.

### Car Parking and Service Vehicle Layout

- C30. Prior to the commencement of construction (excluding demolition works), evidence demonstrating that the operational car parking and service vehicle layout design complies with the following requirements must be submitted to the satisfaction of the Principal Certifying Authority:
- all vehicles must enter and leave the Site in a forward direction;
  - a minimum of ~~302~~ **300** on-site car parking spaces for use during operation of the development and designed in accordance with the latest version of AS2890.1;
  - the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with AUSTRROADS; and
  - the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

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

- C31. Prior to the commencement of construction (excluding demolition works), compliance with the following requirements for secure bicycle parking and end-of-trip facilities for use during operation must be submitted to the satisfaction of the Principal Certifying Authority:

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- a) the provision of a minimum 200 bicycle parking spaces;
- b) the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- c) the provision of end-of-trip facilities for staff in accordance with the ESD Design & As Built rating tool; and
- d) appropriate pedestrian and cyclist advisory signs are to be provided.

## Roadworks and Access

- C32. Prior to the commencement of construction (excluding demolition works), the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a heavy rigid vehicles (up to 12.5 metres).
- C33. Prior to the commencement of construction (excluding demolition works), the Applicant must submit design plans to the satisfaction of the Principal Certifying Authority which demonstrates that the proposed internal roads comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.
- C34. Prior to the commencement of construction (excluding demolition works), the Applicant must obtain approval for the road works under section 138 of the *Roads Act 1993*.
- C35. Prior to the commencement of construction (excluding demolition works), 'Keep Clear' pavement markings (in accordance with the RMS Delineation Guide, Section 9.3.2) be included in the submission of roadworks and access design plans and must be to the satisfaction of Council / TfNSW (RMS). The pavement markings could be provided at the right turn entrance to the school to ensure that the northbound queue from the signals does not restrict movement into the school.
- C36. Prior to the commencement of construction (excluding demolition works), the fire trail must be designed to comply with the diagram titled '*Site Fire Trail Staging*' prepared by Webber Architects (Ref: 2544\_TD\_02\_0035\_B) dated 19 December 2018 and section 4.1.3 (3) of *Planning for Bush Fire Protection 2009* and must include a reversing bay/turning area at intervals of not greater than 200 metres. Evidence must be submitted to the satisfaction of the Principal Certifying Authority.

## Intersection Works

- C37. Within three months of commencement of construction (excluding demolition works), the Applicant must enter into a Works Authorisation Deed (WAD) with TfNSW (RMS) for Traffic Control Signals (TCS) and associated intersection upgrade works on the Medowie Road and South Street intersection. The WAD must include the submission of design plans and obtaining relevant approvals.

**Note 1:** Please note that the Conditions of Consent do not guarantee TfNSW (RMS)'s final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW (RMS) must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

**Note 2:** The WAD process, including acceptance of design documentation and construction can take time. The Applicant should be aware and allow sufficient lead time within the project development program to accommodate this process.

## Construction and Demolition Waste Management

- C38. The Applicant must notify the TfNSW (RMS) Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

## Aircraft operations at RAAF Base Williamtown

- C39. Prior to the rigging of cranes (if cranes are to be used in the construction), the Department of Defence must be consulted to ensure the operation of the crane does not interfere with the aircraft operations at RAAF Base Williamtown.

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## Compliance Reporting

- C40. No later than two weeks before the date notified for the commencement of construction (excluding demolition works), a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Principal Certifying Authority.
- C41. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C42. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Principal Certifying Authority in writing at least seven days before this is done.
- C43. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), 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.

## Unexpected Finds Protocol – Aboriginal Heritage

- C44. 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 Heritage Division 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 Heritage Division to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage Division.

## Unexpected Finds Protocol – Historic Heritage

- C45. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage Division.

## Unexpected Contamination Procedure

- C46. Prior to the commencement of earthworks or demolition (whichever occurs first), the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C15 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

## Network Infrastructure and Delivery

- C47. Prior to the commencement of construction (excluding demolition works), the Applicant must design works under a Routine Major Works Deed with Hunter Water to connect the development to the existing water and sewer system(s).
  - (a) The works must be designed and certified by an Accredited Design Consultant and constructed by a Hunter Water Corporation Accredited Construction Contractor; and
  - (b) The works design must be compliant with Hunter Water's Deed, Technical Specifications and Standard Drawings.

## Wastewater Transportation

- C48. Prior to the commencement of construction (excluding demolition works), the Applicant must design network infrastructure under a Complex Works Deed with Hunter Water in accordance with the approved wastewater servicing strategy.

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C49. The works must be designed and certified by a Hunter Water Corporation Accredited Design Consultant.

### **Archaeological Salvage – Historic Archaeology**

C50. Prior to the commencement of construction (excluding demolition works), the location of AHIMS 38-4-1970 in the Medowie PAD 01 in Aboriginal Cultural Heritage Assessment Report prepared by Biosis dated 23 August 2018, historical archaeological salvage excavation must be undertaken by a suitably qualified and experienced professional. The salvage excavation is to be undertaken in accordance with the requirements of the Heritage Division.

### **ADVISORY NOTES:**

AN1. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (RMS) (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.

For information only

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## PART D DURING CONSTRUCTION

### Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer and is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (c) 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 must be displayed on the site notice; and
  - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- D2. 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

- D3. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001).

### Construction Hours

- D4. 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.

- D5. Activities may be undertaken outside of the hours in condition D4 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 his nominee if appropriate justification is provided for the works.
- D6. Notification of such construction activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. 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

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved relevant CEMP (including Sub-Plans).



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## Construction Traffic

- D9. All construction vehicles not parked on site must be located in an approved on-street work zone, and vehicles must enter the site before stopping.
- D10. All construction vehicles must enter and exit the site via Medowie Road only, unless otherwise agreed by Council.

## Hoarding Requirements

- D11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;
  - (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; and

## No Obstruction of Public Way

- D12. 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

- D13. 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 CNVMSP.
- D14. 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 D4.
- D15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, use quackers (audible movement alarms) to minimise noise impacts on surrounding noise sensitive receivers.

## Vibration Criteria

- D16. 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).
- D17. 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 D16.
- D18. The limits in conditions D16 and D17 apply unless otherwise outlined in the CNVMSP, approved as part of the CEMP required by condition C14 of this consent.

## Tree Protection

- D19. 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;
  - (b) all street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;

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- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per recommendations of the Arboricultural Impact Assessment prepared by Joseph Pidutti Consulting Arborist dated 5 December 2017; and
- (d) 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.

D20. Trees on Council's nature strip require Council's written consent prior to the removal. Evidence of any consent is to be submitted to the Principal Certifying Authority.

## **Air quality**

D21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D22. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (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**

D23. All erosion and sediment control measures must 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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

## **Imported Soil**

D24. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by 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 Principal Certifying Authority upon request.

## **Disposal of Seepage and Stormwater**

D25. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the Principal Certifying Authority. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

## **Waste Storage and Processing**

D26. 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.

D27. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D28. 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.

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## Independent Environmental Audit

- D29. 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.
- D30. No later than four weeks before the date notified for the commencement of construction (excluding demolition works), an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Principal Certifying Authority.
- D31. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
- (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
  - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.

In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks notice to the applicant of the date upon which the audit must be commenced.

- D32. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department and the Principal Certifying Authority under condition D30 of this consent; and
  - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- D33. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D31 of this consent;
  - (b) submit the response to the Department and the Principal Certifying Authority; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Principal Certifying Authority in writing at least seven days before this is done.
- D34. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

## Archaeological Salvage – Historic Archaeology

- D35. The Applicant must prepare an archaeological report of the salvage excavation undertaken in accordance with condition C50. An interim report of the salvage excavation must be provided to the Planning Secretary for information within one month of completion of the salvage work and a final report provided within 12 months of completion of the salvage work or within another timeframe agreed with the Planning Secretary. Copies of the report must also be provided to the Heritage Division and Council.

## ADVISORY NOTES

- AN1. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.
- AN2. The Applicant is to 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.

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## PART E PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

### Notification of Occupation

- E1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary. 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

- E2. Prior to the issue of an occupation certificate, the Applicant must provide the Principal Certifying Authority 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.
- E3. The Applicant must provide a copy of the documentation given to the Principal Certifying Authority to the Planning Secretary within seven days after the Principal Certifying Authority accepts it.

### Post-construction Dilapidation Report

- E4. Prior to the issue of an occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure including those referenced in condition C3.
  - b) to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Principal Certifying Authority must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - c) to be forwarded to Council.

### Protection of Public Infrastructure

- E5. Unless the Applicant and the applicable 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 development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### Protection of Property

- E6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### Works as Executed Plans

- E7. Prior to the issue of an 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 Principal Certifying Authority.
- E8. Prior to the issue of an occupation certificate, all collected stormwater including overflows from any rainwater tanks must be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.

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## Green Travel Plan

- E9. Prior to the issue of an occupation certificate, a Green Travel Plan (GTP), must be prepared and be submitted to the Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and Transport for NSW;
  - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users.

## Operational Transport and Access Management Plan (OTAMP)

- E10. Prior to the issue of an occupation certificate, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council, Transport for NSW and TfNSW (RMS), and submitted to the satisfaction of the Planning Secretary. The OTAMP 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 of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (c) the location and operational management procedures of the pick-up and drop-off parking, including staff management/traffic controller arrangements;
  - (d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations, including staff management/traffic controller arrangements;
  - (e) delivery and services vehicle and bus access and management arrangements;
  - (f) management of approved access arrangements;
  - (g) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking;
  - (h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
  - (i) a monitoring and review program.

## Mechanical Ventilation

- E11. Prior to the issue of an occupation certificate, the Applicant must provide evidence to the satisfaction of the Principal Certifying Authority that the installation and performance of the mechanical 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.

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## Operational Noise – Design of Mechanical Plant and Equipment

- E12. Prior to the commencement of operation, the Applicant must submit evidence to the Principal Certifying Authority that the noise mitigation recommendations in the Noise Impact Assessment dated March 2018 and prepared by Spectrum Acoustics have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

## Road Damage

- E13. 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 is to be met in full by the Applicant.

## Fire Safety Certification

- E14. 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

- E15. Prior to the issue of an occupation certificate for the relevant parts of any new buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal Certifying Authority. 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:
- the site has been periodically inspected and the Principal Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and
  - the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## Compliance with Food Code

- E16. Prior to the issue of an occupation certificate, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Principal Certifying Authority.

## Stormwater Quality Management Plan

- E17. Prior to the issue of an occupation certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Principal Certifying Authority along with evidence of compliance with the OMP. The OMP must ensure proposed stormwater quality measures remain effective and contain the following:
- maintenance schedule of all stormwater quality treatment devices;
  - record and reporting details;
  - relevant contact information; and
  - Work Health and Safety requirements.
- E18. An Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal. Details demonstrating compliance must be provided to the Certifying Authority.

## Stormwater Management

- E19. Prior to the issue of an occupation certificate, written evidence is to be provided that the registered owner/owners corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the rainwater tanks, infiltration tank, basement holding tank and other key stormwater components

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detailed in the approved operation and maintenance plan. A copy of the signed and endorsed contract(s) for maintenance and the contractor(s)' details must be submitted to Council's Development Engineering department at [development.engineering@portstephens.nsw.gov.au](mailto:development.engineering@portstephens.nsw.gov.au);

**Note:** *The maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard, or with a differing entity (e.g. owner's corporation).*

## Rainwater Harvesting

E20. Prior to the issue of an Occupation Certificate, a signed works-as-executed Rainwater Re-use Plan for the development must be provided to the Principal Certifying Authority and the Planning Secretary.

## Warm Water Systems and Cooling Systems

E21. Prior to the issue of an Occupation Certificate, evidence from a suitably qualified person must be submitted to the Principal Certifying Authority that demonstrates that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) has been undertaken in accordance with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 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

E22. Prior to the issue of an Occupation Certificate, the Applicant must submit evidence from a suitably qualified practitioner to the satisfaction of the Principal Certifying Authority that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and

- complies with the latest version of AS 4282-2019 *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019) and CASA Manual of Standards (MOS-139) Aerodromes; and
- 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.

## Operational Waste Management Plan

E23. Prior to the issue of an Occupation Certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Principal Certifying Authority. The Waste Management Plan must:

- detail the type and quantity of waste to be generated during operation of the development;
- describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- detail the materials to be reused or recycled, either on or off site; and
- include the Management and Mitigation Measures included in Part 10.13 of the EIS and as modified in the Response to Submissions.

## Operational Waste Storage and Processing

E24. Prior to the issue of an Occupation Certificate, the Applicant must obtain agreement from Council for the design of the operational waste storage area where waste removal is undertaken by Council.

## Validation Report

E25. Within one month of the completion of remediation works and prior to the issue of an occupation certificate, the Applicant must submit a Validation Report for the development to the EPA, the Planning Secretary and the Principal Certifying Authority for information. The Validation Report must:

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- (a) be prepared by an appropriately qualified environmental consultant and reviewed by an EPA accredited Site Auditor;
- (b) be prepared in accordance with the RAP and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011);
- (c) include, but not be limited to:
  - (i) comment on the extent and nature of the remediation undertaken;
  - (ii) describe the location, nature and extent of any remaining contamination on site;
  - (iii) sampling and analysis plan and sampling methodology;
  - (iv) results of sampling of treated material, compared with the treatment criteria;
  - (v) results of any validation sampling, compared to relevant guidelines/criteria;
  - (vi) discussion of the suitability the remediated areas for the intended land use; and
  - (vii) any other requirement relevant to the project.

## Site Audit Report and Site Audit Statement

- E26. Prior to the issue of an Occupation Certificate, the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use(s).
- E27. Within three months of submission of the Validation Report required by condition E25 the Applicant must demonstrate to the satisfaction of the Principal Certifying Authority that the Site Auditor has submitted a Site Audit Report and Site Audit Statement to EPA in accordance with the requirements of EPA's *Guidelines for the NSW Site Auditor Scheme* (3<sup>rd</sup> Edition) 2017.

## Landscaping

- E28. Prior to the issue of an Occupation Certificate, the Applicant must submit a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Principal Certifying Authority. The plan must:
  - (a) describe the monitoring and maintenance measures to manage revegetation and landscaping works;
  - (b) include specific measures to ensure the long-term success and survivability of the planting; and
  - (c) be consistent with the Applicant's Management and Mitigation Measures at Part 10.7 of the EIS and as modified in the Response to Submissions.
- E29. Prior to the issue of an Occupation Certificate, the landscaping to the site must comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.
- E30. The Medowie Road frontage must include street tree planting in consultation with Council and to Council's specification and evidence provided to the Principal Certifying Authority.

## Biodiversity

- E31. Prior to the issue of an Occupation Certificate, Koala feed tree offsets must be provided in accordance with the Port Stephens Tree Technical Specification 2014.

## Vegetation Management Plan

- E32. Prior to issue of an Occupation Certificate, a final Vegetation Management Plan must be prepared for the 10 metre buffer along the waterway traversing the southern section of the site. The Vegetation Management Plan must be consistent with the *Controlled activities on waterfront land – guidelines for riparian corridors on waterfront land* prepared by the NSW Office of Water and be submitted to the Principal Certifying Authority.
- E33. The Vegetation Management Plan must be developed to guide the management of retained native vegetation and adjoining Asset Protection Zones.

## High Hazard Floodway guardrail

- E34. Prior to issue of an Occupation Certificate, a guardrail must be installed adjacent to the high hazard floodway that prevents school children from entering flood waters.



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## Utilities and Services

E35. Prior to the issue of an Occupation Certificate, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Hunter Water and submitted to the Principal Certifying Authority.

## Roadworks and Access

E36. Prior to the issue of Occupation Certificate for Stage 2 (as described in EIS and Site Staging plan), an updated traffic impact statement is required to be provided and reviewed by TfNSW (RMS) and Council, and to be updated and reviewed prior to Occupation Certificate for each subsequent development stage. If alterations are required to the intersection to improve safety or efficiency, then these must be undertaken as part of the current stage.

E37. Prior to the issue of Occupation Certificate, 'Keep Clear' pavement markings must be constructed as required by condition C35 and be provided to the satisfaction of TfNSW (RMS) / Council.

E38. Prior to the issue of Occupation Certificate, the Applicant must complete the construction of Medowie Road and South Street to the satisfaction of TfNSW (RMS) and Council.

E38A. Notwithstanding the requirements of condition E38, this consent allows the interim operation of Stages 1A, 1B, 2A and 2B to commence subject to the proposed interim traffic and pedestrian access arrangements in SSD-8989-Mod-1 as modified by this consent and the subject to following being satisfied:

- a) the interim traffic intersection design is consistent with the plans listed in condition A2 (drawing No. R202 Rev 3 dated 29/07/2020);
- b) a copy of the final construction traffic management plan (for Stages 1A, 1B, 2A and 2B) prepared in consultation with Council and TfNSW in relation to the interim operational access is submitted to the Department for information;
- c) operation of the interim access arrangements have been approved by Council and concurrence granted by TfNSW under Section 138 of Road Act;
- d) the pedestrian management and movements to / from the site during Stages 1A, 1B, 2A and 2B are managed generally in accordance with the commitment in the Interim Traffic Management Plan prepared by SECA Solutions dated 20 August 2020, (as updated incorporating comments from TfNSW) and necessary approvals obtained from the relevant roads authority;
- e) the design in relation to the Work Authorisation Deed (WAD) for the final intersection upgrade and traffic lights being endorsed by TfNSW, unless an alternative timeframe is agreed by the Planning Secretary;
- f) the construction of the final intersection upgrade and the traffic lights, required by condition C37, have been approved under the Roads Act 1993 and construction of these final works has commenced within one month of operation, unless an alternative timeframe is agreed by the Planning Secretary;
- g) pedestrian movements are proposed to be adequately managed before, during and after school hours across Medowie Road as part of a Road Occupancy License to be obtained under the Section 138 (TfNSW) of the Roads Act.

E38B. A copy of the approval referred to under condition E38A(iii) is to be provided to the Department prior to the commencement of operation of Stage 1A, 1B, 2A and 2B (whichever operates first).

E38C. Occupation of Stage 2 works must not involve any increase in student numbers beyond that approved Stages 1A and 1B, unless the final intersection of Medowie Road/South Street is delivered in accordance with Condition E38.

E39. All roadworks and access must be completed by the Applicant at their cost.

## Bus Pick-up/Drop-off

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E40. Prior to the issue of Occupation Certificate for Stage 1, a bus management plan is to be prepared in consultation with TfNSW (RMS) and Council and be submitted to the Planning Secretary for information. The bus management plan must be updated and reviewed for each subsequent stage.

## School Zones

E41. Prior to the issue of Occupation Certificate, all required School Zone signage, speed management signage and associated pavement markings along Medowie Road and South Road must be installed, inspected by TfNSW (RMS) and handed over to TfNSW (RMS).

**Note:** Any required approvals for altering public road speed limits, design and signage are required to be obtained from the relevant consent authority.

E42. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

## Car Parking Arrangements

E43. Prior to the issue of Occupation Certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Planning Secretary for information that demonstrates that construction works associated with the proposed carpark, have been completed and that the car parking facility is operational.

## Signage

E44. Prior to the issue of Occupation Certificate, way-finding signage and signage identifying the location of staff car parking must be installed.

E45. Prior to the issue of Occupation Certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

E46. Prior to the issue of Occupation Certificate, 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site.

E47. Prior to the issue of Occupation Certificate, the approved LED signs must be installed with a timed intensity and illumination adjuster.

## Asset Protection Zones

E48. Prior to the issue of occupation certificate and in perpetuity, the property around the buildings must be managed for the following distances as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':

- (a) North - for 50 metres as an inner protection area and 10 metres as an outer protection area;
- (b) East - for 40 metres as an inner protection area and 10 metres as an outer protection area, or to the property boundary (whichever is less);
- (c) South - to the property boundary as an inner protection area (excluding the riparian corridor); and
- (d) West - for a distance of 40 metres as an inner protection area, 10 metres as an outer protection area and a further 10 metres with the understorey and ground cover managed as an outer protection area.

E49. A bush fire management plan is to be prepared that addresses the following requirements:

- (a) Contact person/department and details; and
- (b) Schedule and description of works for the construction of asset protection zones and their continued maintenance.

## Evacuation and Emergency Management

E50. No later than six weeks prior to the commencement of operation, an Operational Flood Evacuation and emergency Management Plan (OFEMP) must be prepared by a suitability qualified person in consultation with the NSW SES and Council and in accordance with

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*Floodplain Risk Management Guideline (OEH, 2007)*. The plan should detail specific flood emergency measures required to be incorporated into the detailed design to mitigate impacts of a range of flood events up to and including PMF and include measures to manage flood impacts outside the site to ensure accessibility is maintained. The plan must include details of

- (a) predicated flood levels;
- (b) flood warning time and flood notification;
- (c) assembly points and evacuation routes;
- (d) evacuation and refuge protocols; and
- (e) awareness training for employees and contractors.

A copy of the Plan must be submitted to the NSW SES, Council and the Planning Secretary for information.

- E51. No later than six weeks prior to the commencement of operation, the Operational Bush Fire Evacuation and Emergency Management and Evacuation Plan must be prepared in consultation with RFS and in accordance with section 4.2.7 of Planning for Bush Fire Protection 2006, including the preparation of an emergency/evacuation plan consistent with the NSW RFS document titled *A guide to developing a bush fire emergency management and evacuation plan*.

The plan must be updated on an annual basis following an audit of bush fire protection measures, including maintenance of APZs, water supplies and access roads on and off site.

A copy of the Plan must be provided to the RFS, the local Bush Fire Management Committee and Planning Secretary prior to occupation of the development.

## Works Authorisation Deed

- E52. Prior to the commencement of operation, all road works under the WAD must be completed for the development. All the associated road works must be undertaken at full cost to the Applicant and at no cost to TfNSW (RMS) or Council, and to Council's requirement.

## Operational Noise – Design of Mechanical Plant and Equipment

- E53. Prior to the issue of an occupation certificate, the Applicant must provide evidence to the satisfaction of the Principal Certifying Authority that it has incorporated the noise mitigation recommendations in the Noise Assessment dated March 2018 and prepared by Spectrum Acoustic, into the detailed design drawings. The Principal Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise Impact Assessment.

## Wastewater Transportation

- E54. Prior to the issue of Occupation Certificate, the Applicant must construct network infrastructure under a Complex Works Deed with Hunter Water in accordance with the approved wastewater servicing strategy.
- E55. The works must be constructed and certified by a Hunter Water Corporation Accredited construction contractor.

## Water and sewer compliance

- E56. Prior to the issue of Occupation Certificate, a water and sewer Compliance Certificate issued under Section 50 of the *Hunter Water Act 1991* must be submitted to the accredited certifier.

## Long Term Environmental Management Plan

- E57. Within one month of the completion of remediation works or other timeframe agreed by the Planning Secretary, the Applicant must submit a Long-Term Environmental Management Plan (LTEMP) to the Planning Secretary for information. The plan must:
- (a) be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Planning Secretary in consultation with EPA;
  - (b) be submitted to EPA for review prior to submission to the Planning Secretary; and
  - (c) include, but not be limited to:

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- (i) a description of the nature and location of any contamination remaining on site;
- (ii) provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell;
- (iii) a description of the procedures for managing any leachate generated from the containment cell, including any requirements for testing, pumping, treatment and/or disposal;
- (iv) a description of the procedures for monitoring the integrity of the containment cell;
- (v) a surface and groundwater monitoring program;
- (vi) mechanisms to report results to relevant agencies;
- (vii) triggers that would indicate if further remediation is required; and
- (viii) details of any contingency measures that the Applicant is to carry out to address any ongoing contamination.

### ADVISORY NOTES

AN1. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to Transport for NSW (RMS) and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (d) a copy of the Conditions of Consent;
- (e) the proposed school commencement/opening date;
- (f) two sets of detailed design plans showing the following:
  - (i) accurate Site boundaries;
  - (ii) details of all road reserves, adjacent to the Site boundaries;
  - (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
  - (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
  - (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
  - (vi) all existing and proposed street furniture and street trees.

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## PART F POST OCCUPATION

### Out of Hours Event Management Plan

- F1. Prior to the commencement of the first out of hours events (school use) run by the school that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) and submit it to the Council and Planning Secretary in consultation with Council. The plan must include the following:
- the number of attendees, time and duration;
  - arrival and departure times and modes of transport;
  - where relevant, a schedule of all annual events;
  - demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - details of the use of the school halls, school ovals, hardstand courts and canteen, where applicable, restricting use before 8am and after 10pm;
  - measures to minimise localised traffic and parking impacts; and
  - include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- F2. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.
- F3. Prior to the commencement of out of hours events (community use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary. The plan must include the following:
- the number of attendees, time and duration;
  - arrival and departure times and modes of transport;
  - where relevant, a schedule of all annual events;
  - demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - details of the use of the chapel, where applicable, restricting use before 8am and after 10pm (except for midnight mass);
  - measures to minimise localised traffic and parking impacts; and
  - include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- F4. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

### Operation of Plant and Equipment

- F5. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Warm Water Systems and Cooling Systems

- F6. 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

- F7. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

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## Operational Transport and Access Management Plan (OTAMP)

- F8. The OTAMP(s) approved under condition E10 as revised from time to time) must be implemented by the Applicant for the life of the development.

## Long Term Environmental Management Plan

- F9. Upon completion of remediation works, the Applicant must manage the site in accordance with the LTEMP approved under condition E57 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

## Operational Noise Limits

- F10. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Noise Assessment.
- F11. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Noise Assessment dated March 2018 and prepared by Spectrum Acoustic. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

## Unobstructed Driveways and Parking Areas

- F12. 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

- F13. The Green Travel Plan required by condition E9 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

## Ecologically Sustainable Development

- F14. Within six months of commencement of operation, an evidence must be obtained by the suitably qualified Green Star Accredited Professional demonstrating the development achieves all ESD measures set out in Appendix 39 Ecologically Sustainable Design (ESD) measures prepared by webber architects dated 13 June 2018 (Rev B) within the EIS. Evidence must be submitted to the satisfaction of the Certifying Authority and provided to the Planning Secretary.

## Outdoor Lighting

- F15. Notwithstanding Condition E22, 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

- F16. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E28 for the duration of occupation of the development.

## Asset Protection Zones

- F17. The asset protection zones required by condition E48 must be maintained for the duration of occupation of the development.

## Ongoing waste management

- F18. All organic waste on site must be stored and managed in a fully enclosed bin at all times. No access should be available to vermin and birds.

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### Signage

- F19. Signage approved for illumination under this consent must not be illuminated between the hours of 10:00pm and 7:00am seven days per week.
- F20. The interim access arrangements referred to in condition E38A are limited to a maximum of 9 months from the commencement of operation of Stage 1A or Stage 1B (whichever operates first), unless an alternative timeframe is agreed by the Planning Secretary.
- F21. The operation of Stage 1A, 1B, 2A and 2B must cease where the requirements of condition E38 A are not met.

For information only

## **APPENDIX 1 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 Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) 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 A28 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.