

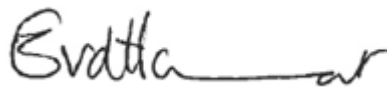
Development Consent

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 9 March 2020, 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.



03/12/2020

Erica van den Honert
Acting Executive Director
Infrastructure Assessments

Sydney

2020

SCHEDULE 1

Application Number:	SSD-10478
Applicant:	Alesco Senior College
Consent Authority:	Minister for Planning and Public Spaces
Site:	27 Chapman Street, Charlestown (Lots 18, 19 & 20 DP 23975)
Development:	<p>Adaptive reuse of a former church for the purpose of a new school (Alesco Senior College) to cater for up to 60 students (Years 9 to 12) including:</p> <ul style="list-style-type: none">• earthworks;• alterations and additions to existing buildings to create general learning areas, student and staff amenities, and a multi-purpose hall;• on-site car parking;• signage; and• landscaping.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited Certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Alesco Senior College or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
Certifier	Means a Council or accredited Certifier
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	Lake Macquarie City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising earthworks, alterations and additions to existing buildings, on-site car parking, signage and landscaping for the purpose of a new school (Alesco Senior College, Charlestown).
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement Change of Use – Educational Facility</i> , prepared by Avid Project Management Pty Ltd dated 16 September 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application

Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Section 7 of the EIS.
Material harm	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)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NML	Noise Management Level
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.

SA NSW	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1
TfNSW	Transport for New South Wales
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

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;
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by CKDS			
Dwg No.	Rev	Name of Plan	Date
DA-0101	B	Existing / Demolition Plan	2/9/20
DA-1001	B	Site Plan / Analysis	2/9/20
DA-1101	B	Ground Floor Plan	2/9/20
DA-2001	B	Elevations	2/9/20
DA-3001	B	Section	2/9/20
DA-7002	C	Signage Schedule	20/11/20
Landscape Plans prepared by Xeriscapes			
Dwg No.	Rev	Name of Plan	Date
L101	B	Landscape Plan Courtyards 1 & 2	4/11/20
L102	C	Landscape Plan Western Facade & Indicative Plant Schedule	4/11/20
L103	B	Landscape Plan Southern Facade	4/11/20

- 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 Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- 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 A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), 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 work is physically commenced.

Student Numbers

A6. A maximum of 60 students are permitted at the school at any one time.

Prescribed Conditions

A7. 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

A8. 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

- A9. 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.

Structural Adequacy

A10. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA and any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

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

A11. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A12. 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.
- A13. 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

A14. 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 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

- A15. 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

- A16. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- A17. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A18. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A19. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A20. 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.
- A21. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A22. Within three months of:
- (a) the submission of a Compliance Report under condition A24;
 - (b) the submission of an Incident Report under condition A18;
 - (c) the approval of any modification of the conditions of this consent; or

- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

- A23. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

Compliance Reporting

- A24. Within three months of the notified date of commencement of operation, a Compliance Report must be submitted to the satisfaction of the Planning Secretary confirming that the development has been carried out in accordance with the conditions of this consent.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Operational Noise

- B1. Prior to the issue of a construction certificate, the Applicant must incorporate the noise mitigation recommendations provided in the *Noise Impact Assessment, Alesco Senior College, 27 Chapman Street Charlestown NSW*, dated August 2020 and prepared by Reverb Acoustics Pty Ltd. The Certifier must verify that all design-related noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels.

Car Parking and Service Vehicle Layout

- B2. Prior to the issue of a construction certificate, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
 - (b) a minimum of three on-site car parking spaces is included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
 - (c) 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, are in accordance with the latest version of AS 2890.2.

Bicycle Parking

- B3. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking must be submitted to the Certifier for approval:
- (a) the provision of a minimum five (5) bicycle parking spaces outlined in plans listed in condition A2; and
 - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction at least 48 hours before those dates.
- C2. If the construction of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- C3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier civil drawings prepared and signed by a suitably qualified practising Civil Engineer that demonstrates compliance with this development consent.

Protection of Public 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); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- C5. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. 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.

Stormwater Management System

- C6. Prior to the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
 - (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the plans contained in the *Response to Submissions, Attachment 1 – Updated Civil Plans* prepared by MPC Consulting Engineers;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that the capacity of the existing on-site stormwater detention tank is in accordance with Council's civil works requirements;
 - (e) ensure that the existing rainwater tank be connected to the stormwater system; and
 - (f) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.

Demolition

- C7. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 (Standards Australia, 2001) must be submitted to the Certifier.

Construction Noise and Vibration Management Plan

- C8. Prior to the commencement of construction, a Construction Noise and Vibration Management Plan (CNVMP) must be prepared and 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) include the noise management levels (NMLs) specified in the *Noise Impact Assessment, Alesco Senior College, 27 Chapman Street Charlestown NSW*, dated August 2020 and prepared by Reverb Acoustics Pty Ltd;
- (d) include details of procedures to be maintained to ensure the construction works comply with the NMLs;
- (e) identify the construction works, the predicted noise levels of which exceed the specified NMLs;
- (f) include the noise mitigation measures specified in the *Noise Impact Assessment, Alesco Senior College, 27 Chapman Street Charlestown NSW*, dated August 2020 and prepared by Reverb Acoustics Pty Ltd, that would be implemented to manage the construction works in C8(e);
- (g) include details of communication strategies with the surrounding community that would be undertaken to ensure the effectiveness of the mitigation measures in C8(f);
- (h) include details of the proposed construction hours of specific works that would exceed the NMLs and the methods of community consultation undertaken to finalise these construction hours;
- (i) include a complaints management system that would be implemented for the duration of the construction; and
- (j) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures required by C8(f).

Construction Waste Management Plan

- C9. Prior to the commencement of construction, a Construction Waste Management Plan (CWMP) must be prepared and address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) removal of hazardous materials, particularly the method of containment and control of emissions 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.

Unexpected Contamination Procedure

- C10. Prior to the commencement of construction, an unexpected contamination procedure must be prepared to ensure that potentially contaminated material is appropriately managed.

Ecologically Sustainable Development

- C11. Prior to the commencement of construction, the Applicant must provide details, to the satisfaction of the Certifier, of ecologically sustainable development (ESD) measures implemented on the site, including but not limited to the installation of energy efficient lighting and water efficient fixtures

Driver Code of Conduct

- C12. Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers (where applicable) and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
 - (b) 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;
 - (c) the notice must be durable and weatherproof and must be displayed throughout the works period;
 - (d) 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
 - (e) the notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- 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 the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C7C7.

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. Construction 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 as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

Construction Traffic Management

- D7. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- D8. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and

- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

- D9. 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

- D10. All noise generated by the construction works must be managed as detailed in the CNVMP outlined in condition C8.
- D11. The Applicant must ensure construction vehicles do not arrive at the site or surrounding residential streets outside of the construction hours of work outlined under condition D4.
- D12. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- D13. 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).
- D14. 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 D13.

Tree Protection

- D15. All trees on the site and all street trees immediately adjacent to the property boundary must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council.
- D16. Street trees must not be trimmed or removed unless prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.

Air Quality

- D17. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D18. 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

- D19. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the *Sedimentation and Erosion Control Plans* Drawing Nos. C01 (Revision A) and C02 (Revision A) prepared by MPC Consulting Engineers, dated 26.10.20.

Disposal of Seepage and Stormwater

- D20. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Unexpected Finds Protocol – Aboriginal Heritage

- D21. 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 NSW 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 NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

Unexpected Finds Protocol – Historic Heritage

- D22. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW 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 NSW.

Waste Storage and Processing

- D23. 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.
- D24. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D25. 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.
- D26. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D27. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- D28. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

- D29. The Applicant must ensure that the recommendations provided in the *Detailed Contamination Investigation, Lots 18-20 DP 23975, No.27-29 Chapman Street, Charlestown*, dated 27 August 2020 and prepared by Agility Engineering are complied with during construction.
- D30. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION

Notification of Occupation

- E1. At least one month before the issue of the occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Development Contributions

- E2. Prior to the issue of an occupation certificate, the payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

External Walls and Cladding

- E3. Prior to the issue of the occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E4. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Post-construction Dilapidation Report

- E5. Prior to the issue of the 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;
 - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier 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

- E6. 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.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by E2 of this consent.

Protection of Property

- E7. 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.

Utilities and Services

- E8. Prior to the issue of the occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 50 of the *Hunter Water Act 1991*.

Works as Executed Plans

- E9. Prior to the issue of the occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Green Travel Plan

- E10. Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to the satisfaction of the Planning 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 Transport for NSW (TfNSW);
 - (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 of the development.

Operational Transport and Access Management Plan (OTAMP)

- E11. Prior to the commencement of operation, an OTAMP must be prepared by a suitably qualified person, in consultation with Council and TfNSW, 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, that identifies the need for management measures 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 site 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 along St Albans Close;
 - (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;
 - (e) delivery and services vehicle access and management arrangements (ensuring access outside the school peak periods);
 - (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 in St Albans Close; and
 - (h) a monitoring and review program.

Mechanical Ventilation

- E12. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Operational Community Communication Strategy

- E13. Prior to the commencement of operation, an Operational Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the operation of the development. The Operational Community Communication Strategy must:
- (a) set out procedures and mechanisms for ongoing engagement with the community;
 - (b) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant, including the details of the relevant contacts;
 - (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 operation of the development, including disputes regarding rectification or compensation.
 - (c) identify how complaints will be considered, managed and escalated; and
 - (d) include any specific requirements around traffic, noise and amenity.

Operational Noise

- E14. Prior to the issue of the occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *Noise Impact Assessment, Alesco Senior College, 27 Chapman Street Charlestown NSW*, dated August 2020 and prepared by Reverb Acoustics Pty Ltd have been incorporated into the design to ensure the development complies with the requirements of condition B1 and will not exceed the recommended operational noise levels identified in the environmental noise assessment.

Operational Noise Management Plan

- E15. Prior to the commencement of operation, an Operational Noise Management Plan must be submitted to the satisfaction of the Certifier, and a copy provided to the Planning Secretary and Council. The Plan must include but not be limited to:
- (a) arrangements for the management of staff and students that includes measures to minimise noise impacts on any sensitive residential receivers;
 - (b) arrangements for the management and monitoring of the use of the multi-purpose hall and the outdoor student areas;
 - (c) measures to ensure operational noise sources comply with the limits set out in the *Noise Impact Assessment, Alesco Senior College, 27 Chapman Street Charlestown NSW*, dated August 2020 and prepared by Reverb Acoustics Pty Ltd;
 - (d) measures to ensure operational noise sources involving entertainment and functions in the multi-purpose school hall and the operation of machinery, plant and equipment complies with the limits set out in Council's submission on the EIS, dated 20 October 2020;
 - (e) measures to ensure that all external doors to the multi-purpose school hall remain closed when amplified music is performed inside the hall;
 - (f) include a complaints management procedure to provide for the registration of, and response to, complaints; and
 - (g) the annual monitoring and review of the Operational Noise Management Plan, with a copy of the review and any revised Operational Noise Management Plan to be provided to the Planning Secretary and Council for the first two years of operation.

Safety and Security

- E16. Prior to the issue of the occupation certificate, the Applicant must submit evidence to the Certifier that the Crime Prevention Through Environmental Design principles recommended in the *Crime Risk Assessment*, dated November 2020 and prepared by Avid Project Management

Pty Ltd have been incorporated into the design to ensure the safety and security of students and staff.

Car Parking, Service Vehicles and Bicycle Parking Arrangements

- E17. Prior to the issue of the occupation certificate, or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that the car parking area and bicycle parking facilities comply with conditions B3 and B4 and are operational with appropriate line marking and way finding signage.

Road Damage

- E18. Prior to the issue of the occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works must be met in full by the Applicant.

Fire Safety Certification

- E19. Prior to commencement of occupation, 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.

Outdoor Lighting

- E20. Prior to the issue of the occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Stormwater Quality Management Plan

- E21. Prior to the issue of the occupation certificate, a Stormwater Quality Management Plan (SQMP) is to be submitted to the satisfaction of the Certifier. The SQMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) Maintenance schedule of all stormwater quality treatment devices;
 - (b) Record and reporting details;
 - (c) Relevant contact information; and
 - (d) Work Health and Safety requirements.

Operational Waste Management Plan

- E22. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) 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);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in Section 7 of the EIS.

Accessibility Requirements

- E23. Prior to the commencement of operation, a suitably qualified Access Consultant must certify that the existing buildings, pedestrian connections, car parking spaces and the landscaped areas of the development comply with the *Accessibility Statement* prepared by Lindsay Perry Access, dated 4 September 2020 and provided with the EIS.

Landscaping

- E24. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2(d).

Fencing

- E25. Prior to the commencement of operation, all proposed fencing of the site must be constructed in accordance with the architectural plan(s) listed in condition A2(d).

Ecologically Sustainable Development

- E26. Prior to the commencement of operation or any other timeframe agreed by the Planning Secretary, the Applicant must provide evidence to the Certifier that the ESD measures required by condition C10 have been implemented.

School Zones

- E27. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings on the surrounding roads must be installed, inspected by TfNSW and handed over to TfNSW.

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

- E28. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed zones.

PART F POST OCCUPATION

Operation of Plant and Equipment

- F1. All plant and equipment used on the site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Operational Transport and Access Management Plan (OTAMP)

- F2. The OTAMP approved under condition E11 (as revised from time to time) must be implemented by the Applicant for the life of the development.

Operational Noise Limits

- F3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the *Noise Impact Assessment, Alesco Senior College, 27 Chapman Street Charlestown NSW*, dated August 2020 and prepared by Reverb Acoustics Pty Ltd unless otherwise managed through the approved Operational Noise Management Plan.
- F4. The Applicant must ensure that all external doors to the multi-purpose school hall remain closed when amplified music is performed.

Unobstructed Driveways and Parking Areas

- F5. 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

- F6. The Green Travel Plan required by condition E10 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Outdoor Lighting

- F7. Notwithstanding condition E20 and D28, 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

- F8. The Applicant must maintain the landscaping and vegetation on the site in accordance with landscape plan(s) listed in condition A2(d) for the duration of the development.

Signage

- F9. The Applicant must ensure all signage at the site is non-illuminated.

Safety and Security

- F10. The Applicant must ensure that the Crime Prevention Through Environmental Design principles recommended in the *Crime Risk Assessment*, dated November 2020 and prepared by Avid Project Management Pty Ltd are implemented during operation of the school, including but not limited to, the following:
- (a) security gates around the site are to be locked after 4:00pm;
 - (b) landscaping along the site frontages is to be maintained to ensure clear surveillance; and
 - (c) regular site cleaning, rapid repair of any vandalism and graffiti and regular maintenance of physical elements is to be carried out.

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

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

Legal Notices

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

Access for People with Disabilities

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

Utilities and Services

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

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

Road Occupancy Licence

AN7. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN8. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

AN9. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN10. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Speed limit authorisation

AN11. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW 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.

Fire Safety Certificate

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

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be notified to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A17 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.