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 30th January 2020

SCHEDULE 1

Application Number: SSD 9491
Applicant: Schools Infrastructure NSW
Consent Authority: Minister for Planning and Public Spaces
Site: Lot 10, DP 1210904 1240 Ocean Drive Lake Cathie.
Development: Redevelopment of Lake Cathie Public School including:

- site clearing, demolition and removal of 14 demountable classrooms;
- construction of 17 permanent classroom buildings;
- relocation of existing covered outdoor learning area and construction of adjoining amphitheatre;
- reconfiguration of the existing staff carparking on site and drop-off/pick-up arrangements along Collector Road;
- removal of existing temporary access to site from Ocean Drive and subsequent relocation of school entrance to Collector Road;
- relocation and conversion of existing school buildings;

NSW Government
Department of Planning, Industry and Environment
• reconfiguration of the student entry to the proposed Collector Road and a new pedestrian crossing; and
• ancillary landscaping, signage, covered outdoor learning areas, services and stormwater drainage works.
DEFINITIONS

Aboriginal object | Has the same meaning as the definition of the term in section 5 of the National Parks and Wildlife Act 1974
Aboriginal place | Has the same meaning as the definition of the term in section 5 of the National Parks and Wildlife Act 1974
Advisory Notes | Advisory information relating to the consent but do not form a part of this consent
Applicant | Schools Infrastructure NSW or any other person carrying out any development to which this consent applies
Approved disturbance area | The area identified as such on the development layout
BCA | Building Code of Australia
BC Act | Biodiversity Conservation Act 2016
CEMP | Construction Environmental Management Plan
Certified Contaminated Land Consultant | A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifying Authority | Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, Strata Schemes (Freehold Development) Act 1973 and Strata Schemes (Leasehold Development) Act 1986 or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent | The conditions contained in Schedule 2 of this document
Construction | 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:
  • building and road dilapidation surveys;
  • investigative drilling or investigative excavation;
  • Archaeological Salvage;
  • establishing temporary site offices (in locations identified by the conditions of this consent);
  • installation of environmental impact mitigation measures, fencing, enabling works; and
  • minor adjustments to services or utilities.
However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the Biodiversity Conservation Act 2016 or Environment Protection and Biodiversity Conservation Act 1999) 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)
Council | Port Macquarie – Hastings 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 demolition, construction and landscaping works, as modified by the conditions of this consent.
<table>
<thead>
<tr>
<th><strong>Earthworks</strong></th>
<th>Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EES Group</strong></td>
<td>Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)</td>
</tr>
<tr>
<td><strong>EIS</strong></td>
<td>The Environmental Impact Statement titled <em>Environmental Impact Statement for State Significant Development Lake Cathie Public School Additions</em>, prepared by KDC dated 13 February 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application</td>
</tr>
<tr>
<td><strong>ENM</strong></td>
<td>Excavated Natural Material</td>
</tr>
<tr>
<td><strong>Environment</strong></td>
<td>Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings</td>
</tr>
<tr>
<td><strong>EPA</strong></td>
<td>NSW Environment Protection Authority</td>
</tr>
<tr>
<td><strong>EP&amp;A Act</strong></td>
<td><em>Environmental Planning and Assessment Act 1979</em></td>
</tr>
<tr>
<td><strong>EP&amp;A Regulation</strong></td>
<td><em>Environmental Planning and Assessment Regulation 2000</em></td>
</tr>
<tr>
<td><strong>EPL</strong></td>
<td>Environment Protection Licence under the POEO Act</td>
</tr>
<tr>
<td><strong>Evening</strong></td>
<td>The period from 6pm to 10pm.</td>
</tr>
<tr>
<td><strong>Feasible</strong></td>
<td>Means what is possible and practical in the circumstances</td>
</tr>
<tr>
<td><strong>Heritage</strong></td>
<td>Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement</td>
</tr>
<tr>
<td><strong>Heritage Division</strong></td>
<td>Heritage, Community Engagement of the Department of Premier and Cabinet</td>
</tr>
<tr>
<td><strong>IBRA</strong></td>
<td>Interim Biogeographic Regionalisation for Australia</td>
</tr>
<tr>
<td><strong>Incident</strong></td>
<td>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</td>
</tr>
<tr>
<td><strong>Note:</strong></td>
<td>&quot;material harm&quot; is defined in this consent</td>
</tr>
<tr>
<td><strong>Land</strong></td>
<td>Has the same meaning as the definition of the term in section 1.4 of the EP&amp;A Act</td>
</tr>
<tr>
<td><strong>LTEMP</strong></td>
<td>Long Term Environmental Management Plan</td>
</tr>
<tr>
<td><strong>Material harm</strong></td>
<td>Is harm that:</td>
</tr>
<tr>
<td></td>
<td>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</td>
</tr>
<tr>
<td></td>
<td>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)</td>
</tr>
<tr>
<td><strong>Minister</strong></td>
<td>NSW Minister for Planning and Public Spaces (or delegate)</td>
</tr>
<tr>
<td><strong>Mitigation</strong></td>
<td>Activities associated with reducing the impacts of the development prior to or during those impacts occurring</td>
</tr>
<tr>
<td><strong>Monitoring</strong></td>
<td>Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&amp;A Act</td>
</tr>
<tr>
<td><strong>Night</strong></td>
<td>The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays</td>
</tr>
<tr>
<td><strong>Non-compliance</strong></td>
<td>An occurrence, set of circumstances or development that is a breach of this consent</td>
</tr>
<tr>
<td><strong>NSW RFS</strong></td>
<td>New South Wales Rural Fire Service</td>
</tr>
<tr>
<td><strong>OEMP</strong></td>
<td>Operational Environmental Management Plan</td>
</tr>
<tr>
<td><strong>Operation</strong></td>
<td>The carrying out of the approved purpose of the development upon completion of construction.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>PA</td>
<td>Means a planning agreement within the meaning of the term in section 7.4 of the EP&amp;A Act.</td>
</tr>
<tr>
<td>Planning Secretary</td>
<td>Planning Secretary under the EP&amp;A Act, or nominee</td>
</tr>
<tr>
<td>POEO Act</td>
<td><em>Protection of the Environment Operations Act 1997</em></td>
</tr>
<tr>
<td>Reasonable</td>
<td>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.</td>
</tr>
<tr>
<td>Registered Aboriginal Parties</td>
<td>Means the Aboriginal persons identified in accordance with the document entitled “Aboriginal cultural heritage consultation requirements for proponents 2010” (DECCW)</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.</td>
</tr>
<tr>
<td>Response to submissions</td>
<td>The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&amp;A Act.</td>
</tr>
<tr>
<td>Sensitive receivers</td>
<td>A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.</td>
</tr>
<tr>
<td>Site</td>
<td>The land defined in Schedule 1</td>
</tr>
<tr>
<td>Site Auditor</td>
<td>As defined in section 4 of the <em>Contaminated Land Management Act 1997</em></td>
</tr>
<tr>
<td>Site Audit Report</td>
<td>As defined in section 4 of the <em>Contaminated Land Management Act 1997</em></td>
</tr>
<tr>
<td>Site Audit Statement</td>
<td>As defined in section 4 of the <em>Contaminated Land Management Act 1997</em></td>
</tr>
<tr>
<td>TfNSW</td>
<td>Transport for New South Wales</td>
</tr>
<tr>
<td>TfNSW(RMS)</td>
<td>Transport for New South Wales (Roads and Maritime Services)</td>
</tr>
<tr>
<td>VENM</td>
<td>Virgin Excavated Natural Material</td>
</tr>
<tr>
<td>Waste</td>
<td>Has the same meaning as the definition of the term in the Dictionary to the POEO Act</td>
</tr>
<tr>
<td>Year</td>
<td>A period of 12 consecutive months</td>
</tr>
</tbody>
</table>
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) generally in accordance with Modification Assessments;
(e) in accordance with the approved plans in the table below:

### Architectural Drawings prepared by SHAC Architects

<table>
<thead>
<tr>
<th>Dwg No.</th>
<th>Rev</th>
<th>Name of Plan</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>3928 DD1102</td>
<td>G</td>
<td>Existing Site + Demolition Plan</td>
<td>03/07/2019</td>
</tr>
<tr>
<td>3928 DD2015</td>
<td>N</td>
<td>Proposed Site Plan</td>
<td>14/01/2020</td>
</tr>
<tr>
<td>3929 DD2301</td>
<td>H</td>
<td>Block E – Learning Neighbourhood 1</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD2310</td>
<td>I</td>
<td>Block F – Learning Neighbourhood 2</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD2320</td>
<td>H</td>
<td>Block G – Learning Neighbourhood 3 – Ground Floor</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD2321</td>
<td>C</td>
<td>Block G – Learning Neighbourhood 3 – First Floor</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD2340</td>
<td>G</td>
<td>Block B – Spec. Education</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD2350</td>
<td>H</td>
<td>Blocks C &amp; D – Library Canteen</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD2360</td>
<td>G</td>
<td>Block H – Proposed Sports Hall</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD3001</td>
<td>E</td>
<td>Elevations Block E – Learning Neighbourhood – Sheet 1</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD3002</td>
<td>E</td>
<td>Elevations Block F – Learning Neighbourhood 02 – Sheet 1</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD3005</td>
<td>C</td>
<td>Elevations Block H – Sports Hall – Sheet 1</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD3006</td>
<td>C</td>
<td>Elevations Block H – Sports Hall – Sheet 2</td>
<td>08/02/2019</td>
</tr>
<tr>
<td>3928 DD3102</td>
<td>C</td>
<td>Sections Block G + Hall</td>
<td>08/02/2019</td>
</tr>
</tbody>
</table>

### Landscape Plans prepared by Terras Landscape Architects

<table>
<thead>
<tr>
<th>Dwg No.</th>
<th>Rev</th>
<th>Name of Plan</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>L01</td>
<td>C</td>
<td>Landscape masterplan</td>
<td>05/10/18</td>
</tr>
<tr>
<td>L02</td>
<td>C</td>
<td>Hardworks plan: part 1</td>
<td>05/10/18</td>
</tr>
<tr>
<td>L03</td>
<td>C</td>
<td>Hardworks setout plan: part 1</td>
<td>05/10/18</td>
</tr>
<tr>
<td>L04</td>
<td>C</td>
<td>Hardworks plan: part 2</td>
<td>05/10/18</td>
</tr>
<tr>
<td>L05</td>
<td>C</td>
<td>Hardworks setout plan: part 2</td>
<td>05/10/18</td>
</tr>
</tbody>
</table>
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.

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 information of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

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;
if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);

(c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and

(d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

A11. Where staging is proposed, the project must be staged in accordance with the Staging Report, as submitted 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 (including management plan, architectural or design plan) or program);

(b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and

(c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A14. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A15. If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

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


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.
Incident Notification, Reporting and Response

A24. The Planning Secretary must be notified in writing to 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.

A25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

Non-Compliance Notification

A26. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A27. 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.

A28. 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

A29. Within three months of:
   (a) the submission of a compliance report under condition B35;
   (b) the submission of an incident report under condition A24;
   (c) the submission of an Independent Audit under condition C363;
   (d) the approval of any modification of the conditions of this consent; or
   (e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,

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

A30. 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 and Certifying Authority (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and Certifying Authority for 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.
PART B  PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

B1. The Applicant must notify the Planning Secretary in writing of the dates of commencement of construction and operation at least 48 hours before those dates.

B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the 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

B4. Prior to the commencement of construction, the Applicant must provide the 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 Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Protection of Public Infrastructure

B5. 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, Certifying Authority and Council.

Unexpected Contamination Procedure

B6. Prior to the commencement of earthworks, 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 B122 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.

Community Communication Strategy

B7. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:
   (a) identify people to be consulted during the design and construction phases;
   (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
   (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
   (d) set out procedures and mechanisms:
      (i) through which the community can discuss or provide feedback to the Applicant;
(ii) through which the Applicant will respond to enquiries or feedback from the community; and

(iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

(e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water and contamination.

Ecologically Sustainable Development

B8. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

(a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifying Authority; or

(b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

B9. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifying Authority that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Demolition

B10. 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 Certifying Authority and Planning Secretary.

Environmental Management Plan Requirements

B11. 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);
(ii) complaint;
(iii) failure to comply with statutory requirements; and
(h) a protocol for periodic review / update of the plan and any 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

B12. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of Certifying Authority and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

(a) Details of:
(i) hours of work;
(ii) 24-hour contact details of site manager;
(iii) management of dust and odour to protect the amenity of the neighbourhood;
(iv) stormwater control and discharge;
(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 AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
(viii) community consultation and complaints handling;
(b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B13);
(c) Construction Noise and Vibration Management Sub-Plan (see condition B14);
(d) Construction Waste Management Sub-Plan (see condition B15);
(e) Construction Soil and Water Management Sub-Plan (see condition B16);
(f) an unexpected finds protocol for contamination and associated communications procedure;
(g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
(h) 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; and

B13. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

(a) be prepared by a suitably qualified and experienced person(s);
(b) be prepared in consultation with Council and TINSW/TINSW(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; and
(d) detail heavy vehicle routes, access and parking arrangements.

B14. The Construction Noise and Vibration Management Sub-Plan 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 B14(d);
(f) include a complaints management system that would be implemented for the duration of the construction; and
(g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with Condition B11(d).

B15. The Construction Waste Management Sub-Plan (CWMSP) must 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 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 construction.

B16. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMP) 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

B17. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
(a) minimise the impacts of earthworks and construction on the local and regional road network;
(b) minimise conflicts with other road users;
(c) minimise road traffic noise; and
(d) ensure truck drivers use specified routes.

Construction Parking

B18. Prior to the commencement of construction, 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.

Soil and Water

B19. Prior to the commencement of construction, the Applicant must:
(a) install erosion and sediment controls on the site to manage wet weather events; and
(b) divert existing clean surface water around operational areas of the site.


B21. Prior to the commencement of construction, the Applicant 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.
B22. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

Rainwater Harvesting

B23. Prior to the commencement of construction, the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

Biodiversity – Ecosystem Credits

B24. Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in the table below must be retired to offset the residual biodiversity impacts of the development.

B25. The requirement to retire credits in Condition B24 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

B26. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B24 must be provided to the Planning Secretary prior to vegetation clearing.

### Any PCT with the below TEC

<table>
<thead>
<tr>
<th>PCT 1230 – Swamp Mahagony swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion</th>
<th>Number of Credits</th>
<th>Containing hollow bearing trees</th>
<th>In the below IBRA subregions</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>No</td>
<td>Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning</td>
<td></td>
</tr>
</tbody>
</table>

Or

Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

Biodiversity – Species Credits

B27. Prior to the commencement of vegetation clearing, the class and number of species credits in the table below must be retired to offset the residual biodiversity impacts of the development.

B28. The requirement to retire credits in Condition B27 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

B29. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B27 must be provided to the Planning Secretary prior to vegetation clearing.

### Species (only for the below)

<table>
<thead>
<tr>
<th>Species (only for the below)</th>
<th>Number of Credits</th>
<th>In the below IBRA subregions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Swamp Orchid</td>
<td>15</td>
<td>Any in NSW</td>
</tr>
</tbody>
</table>
Tree Transplanting, Biodiversity Management and Nest Boxes

B30. The management, method and mitigation measures for the transplantation of nine trees must be undertaken in accordance with the Arboricultural Assessment Report dated 18 September 2018, prepared by Mid North Coast Tree Services.

B31. The biodiversity impact and mitigation measures including the installation of nest boxes must be undertaken as recommended in the Biodiversity Assessment Report dated January 2020, prepared by Narla Environmental.

Operational Waste Storage and Processing

B32. Prior to the commencement of construction, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council’s standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifying Authority.

Operational Car Parking and Service Vehicle Layout

B33. Prior to the commencement of construction, compliance with the following requirements must be submitted to the satisfaction of the Certifying Authority:

(a) all vehicles must enter and leave the Site in a forward direction;
(b) a minimum of 25 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
(c) the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with the latest version of AS 2890.2; and
(d) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Public Domain Works

B34. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the 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 Certifying Authority.

Compliance Reporting

B35. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifying Authority.

B36. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifying Authority in writing at least seven days before this is done.

B37. 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.

Aboriginal Cultural Heritage

B38. Prior to the commencement of construction, the Applicant must ensure that the management and recommendations stated in Section 8 of the Aboriginal Cultural Heritage Assessment dated March 2019, prepared by J.P. Collins Consultant Archaeologist and titled Lake Cathie Public School Redevelopment 1240 Ocean Drive, Lake Cathie NSW, Port Macquarie Hastings LGA Aboriginal Cultural Heritage Assessment, is implemented.
Stormwater and Sewerage Works

B39. Prior to the commencement of construction of water supply, stormwater and sewerage works, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

(a) position and depth of the sewer (including junction);
(b) stormwater drainage termination point;
(c) easements;
(d) water main; and
(e) proposed water meter location.

B40. Final hydraulic sizing for water and sewerage for the proposed development must be determined by a hydraulic consultant to suit the needs for the development.

Submission of Technical Documents to Council for Approval

B41. Prior to the commencement of construction of any works within the public domain and any other works proposed to be transferred to Council assets, detailed design plans are to be submitted to Council for approval for the following works associated with the development where proposed (in compliance with AUSPEC specification and accompanied by AUSPEC DQS):

(a) road works along the frontage of the development;
(b) public parking areas;
(c) sewerage reticulation;
(d) stormwater systems;
(e) location of all existing and proposed utility services including:
   (i) conduits for electricity supply and communication services (including fibre optic cable);
   (ii) water supply;
   (iii) sewage; and
   (iv) stormwater.
(f) landscaping, open space facilities, pathways, cycleways and associated facilities (where located on public domain);
(g) detailed driveway profile; and
(h) detailed road intersection layout.

Materials to Council Specifications

B42. Prior to commencement of any pavement works on public domain, a material quality report from the proposed supplier must be submitted to Council. The pavement materials must meet Council’s current specifications at the time of construction.

B43. Prior to laying of Asphaltic Concrete (AC) or wearing surface course on public domain, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:

(a) CBR test results; and
(b) subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1.

Payment of Security to Council

B44. The Applicant must provide security to the Council for the payment of the cost of the following:

(a) making good any damage caused to any property of the Council as a consequence of doing anything to which this consent relates;
(b) completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent; and
(c) remedying any defects in any such public work that arise within twelve months after the work is completed.

B45. Such security is to be provided to Council prior to the issue of the Section 138 of the Roads Act approval.

B46. The security is to be for such reasonable amount as is determined by the Council, being an amount that is the estimated cost plus 30% for building development of public works or $5000, whichever is the greater of carrying out the development by way of:

(a) deposit with the Council, or;

(b) an unconditional bank guarantee in favour of Council.

B47. The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within six years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

Construction of Bus Bays

B48. Prior to the commencement of construction of the bus bays including all associated public domain and landscape works (as shown in drawing “3929 DD 2015 Revision N, dated 14 January 2020”), the final technical and construction design details must be undertaken in consultation with Council.
PART C  DURING CONSTRUCTION

Site Notice

C1. 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, Certifying Authority 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 is to be durable and weatherproof and is to 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) 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

C2. 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

C3. 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 B10.

Construction Hours

C4. 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 7am and 6pm, Saturdays.
No work may be carried out on Sundays or public holidays.

C5. Construction activities may be undertaken outside of the hours in condition C4 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.

C6. Notification of such construction activities as referenced in Condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

C7. 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

C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).
**Construction Traffic**

C9. 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 before stopping.

**Hoardings Requirements**

C10. 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**

C11. 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**

C12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

C13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding noise sensitive receivers outside of the construction hours of work outlined under condition C4.

C14. 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**

C15. 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).

C16. 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 C15.

C17. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B12 of this consent.

**Tree Removal and Protection**

C18. 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 the 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 immediately adjacent to the approved disturbance area 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;

(c) a suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location;

(d) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Aboricultural Assessment Report dated 18 September 2018, prepared by Mid North Coast Tree Services;

(e) the capacity and effectiveness of tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earthmoving works; and

(f) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

**Air Quality**

C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent, including the following measures:

(a) trucks and vehicles entering and leaving the site that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading;

(b) works that are carried out progressively on site to minimise exposed surfaces; and

(c) trucks associated with the works do not track dirt onto the public road network.

C20. 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**

C21. 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. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the ‘Blue Book’.

**Imported Soil**

C22. 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 Certifying Authority upon request.

Disposal of Seepage and Stormwater

C23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building 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.

Emergency Management

C24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Stormwater Management System

C25. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifying Authority. The system must:
(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 in accordance with applicable Australian Standards; and
(d) 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;

Unexpected Finds Protocol – Aboriginal Heritage

C26. 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 EES Group 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 EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

Waste Storage and Processing

C27. 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.

C28. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

C29. 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.

C30. 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.

C31. 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

C32. 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.

Independent Environmental Audit

C33. 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.

C34. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifying Authority.

C35. 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.

C36. Independent Audits of the development must be carried out in accordance with:

(a) the Independent Audit Program submitted to the Planning Secretary and the Certifying Authority under condition C33 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).

C37. 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 C33 of this consent;

(b) submit the response to the Planning Secretary and the Certifying Authority; and

(c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifying Authority in writing at least seven days before this is done.

C38. 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.

Toilet Facilities

C39. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

D1. 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 in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

External Walls and Cladding

D2. Prior to commencement of operation, the Applicant must provide the 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.

D3. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Post-construction Dilapidation Report

D4. Prior to commencement of operation, 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 Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the 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

D5. 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 this consent.

Protection of Property

D6. 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

D7. Prior to commencement of operation, a compliance certificate under the section 307 of the Water Management Act 2000 must be obtained from Council and submitted to the Certifying Authority.

Works as Executed Plans

D8. Prior to the commencement of operation, 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 Certifying Authority and Council.
Green Travel Plan

D9. 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 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 of the development.

Operational Transport and Access Management Plan (OTAMP)

D10. Prior to the commencement of operation, 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 located within the southern section of the school site, 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 operations along the public Collector Road, 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 on the southern section of the school site;
(h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
(i) a monitoring and review program.

Evacuation and Emergency Planning

Bush Fire Management Plan
D12. A bush fire management plan must be prepared for the site 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.

School Zones
D13. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along the public collector 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.

D14. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

Mechanical Ventilation
D15. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifying Authority that the installation and performance of the mechanical ventilation systems complies with:
   (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and
   (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment
D16. Prior to the commencement of operation, the Applicant must submit evidence to the Certifying Authority that the noise mitigation recommendations in the Acoustic Assessment – Lake Cathie Public School prepared by RAPT consulting dated September 2018 has been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

Bus Bay Arrangements
D17. Prior to the commencement of operation, evidence must be submitted to the Planning Secretary that demonstrates that construction works associated with the provision of three bus bays along the northern section of the site have been completed and is operational.

D18. Any dedication as public road or to Council associated with the bus bays, footpath, cycleway or other associated public domain works, must be undertaken prior to the commencement of the operation of the bus bays and be pursuant to Council requirements and the provisions of the Conveyancing Act 1919.

Road Damage
D19. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority’s assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Fire Safety Certification
D20. 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.

Structural Inspection Certificate
D21. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to
the satisfaction of the 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:

(a) the site has been periodically inspected and the Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and

(b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

**Stormwater Quality Management Plan**

D22. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifying Authority along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:

(a) maintenance schedule of all stormwater quality treatment devices;

(b) record and reporting details;

(c) relevant contact information; and

(d) Work Health and Safety requirements.

**Rainwater Harvesting**

D23. Prior to the commencement of operation, signed works-as-executed Rainwater Re-use Plan must be provided to the Planning Secretary and Certifying Authority.

**Warm Water Systems and Cooling Systems**

D24. The installation of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires’ Disease.

**Outdoor Lighting**

D25. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the 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:

(a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and

(b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

**Signage**

D26. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.

D27. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

D28. Prior to the commencement of operation, ‘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.

**Operational Waste Management Plan**

D29. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifying Authority. 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 the EIS and the Waste Management Report, dated 9 October 2018 and prepared by SHAC.

Asset Protection Zones
D30. Prior to the commencement of operation, the entire site, except the area identified as Management Zones 1 and 1a in Figure 2 of the Vegetation Management Plan dated January 2020, prepared by Narla Environmental, must be managed as an inner protection area 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’.

Section Audit Report and Site Audit Statement
D31. Prior to commencement of operation, should remediation works be required under Condition B42, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the education land use and be provided for the information of the Planning Secretary and the Certifying Authority.

Bicycle Parking and End-of-Trip Facilities
D32. Prior to the commencement of operation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifying Authority:
   a) the provision of a minimum 26 staff and visitor/student bicycle parking spaces;
   b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version 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;
   d) appropriate pedestrian and cyclist advisory signs are to be provided; and
   e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Bush Fire Access
D33. Prior to the commencement of operation, unless otherwise agreed to by the Planning Secretary, evidence of the following must be provided to the satisfaction of the Certifying Authority:
   (a) a managed separation (managed as an inner protection zone) of not less than seven metres between the western edge of the western turning circle and the remnant vegetation to the west
   (b) either a turning circle that complies with section 4.2.7 of Planning for Bush Fire Protection 2006.

Covenant for Phase 2 restoration area
D34. Prior to the commencement of operation, a suitable instrument pursuant to the Conveyancing Act 1919 must be registered on title that requires the Phase 2 area to be managed and implemented in accordance with the Vegetation Management Plan and Koala Plan of Management dated January 2020, prepared by Narla Environmental.
PART E POST OCCUPATION

Out of Hours Event Management Plan

E1. 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:

(a) the number of attendees, time and duration;
(b) arrival and departure times and modes of transport;
(c) where relevant, a schedule of all annual events;
(d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
(e) details of the use of the hall, outdoor sports fields and courts, where applicable, restricting use before 8am and after 10pm;
(f) measures to minimise localised traffic and parking impacts; and
(g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.

E2. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.

E3. 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:

(a) the number of attendees, time and duration;
(b) arrival and departure times and modes of transport;
(c) where relevant, a schedule of all annual events;
(d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
(e) details of the use of the hall, outdoor sports fields and courts, where applicable, restricting use before 8am and after 10pm;
(f) measures to minimise localised traffic and parking impacts; and
(g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.

E4. 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

E5. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

E6. 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

E7. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.
Operational Transport and Access Management Plan (OTAMP)

E8. The OTAMP(s) approved under condition D10 as revised from time to time) must be implemented by the Applicant for the life of the development.

Operational Noise Limits

E9. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Acoustic Assessment – Lake Cathie Public School prepared by RAPT consulting, dated September 2018.

Unobstructed Driveways and Parking Areas

E10. 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

E11. The Green Travel Plan required by condition D9 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

E12. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifying Authority and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under Condition B8, evidence of compliance of implementation must be provided to the Planning Secretary and Certifying Authority.

Outdoor Lighting

E13. Notwithstanding Condition D25, 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.

Rainwater Harvesting

E14. The Applicant must implement the rainwater re-use plan required by condition B26 for the duration of the development

Asset Protection Zones

E15. The asset protection zones required by condition D30 shall be maintained for the duration of occupation of the development.

Bunding and Waste Management

E16. The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA’s Storing and Handling of Liquids: Environmental Protection – Participants Manual (Department of Environment and Climate Change, 2007).

E17. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

E18. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing or disposal.

E19. The applicant must retain all sampling and waste classification data classified in accordance with the Waste Classification Guidelines.
Landscaping and Vegetation Management

E20. The proposed Phase 2 Offset Planting Area must be retained and protected in perpetuity to provide a Koala foraging area.

E21. The ongoing management, mitigation measures and activities outlined in the Vegetation Management Plan & Koala Plan of Management dated January 2020, prepared by Narla Environmental, must be maintained and implemented.
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 Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services
AN5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.
AN6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
AN7. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design, Traffic Facilities and Public Infrastructure
AN8. 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.
AN9. The design and construction of all public infrastructure works shall be in accordance with Council’s adopted AUSPEC Specifications.

Road Occupancy Licence
AN10. 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
AN11. 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
AN12. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos
AN13. 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

AN14. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW(RMS) and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

(a) a copy of the Conditions of Consent;
(b) the proposed school commencement/opening date;
(c) 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

AN15. 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.

Stormwater and Sewerage Works

AN16. Prior to occupation a Section 68 Certificate of Completion shall be obtained from Port Council.
WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: 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 A25 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.