

1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - a. the name and licence number of the principal contractor, and
 - b. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - a. the name of the owner-builder, and
 - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

2. Approved Documentation

The development consent incorporates this schedule of conditions and the plans and documents referenced and stamped as follows:

(a) Plans Reference:

Plans prepared by: Stanton dhal architects; Project Number. 147.12			
Name of Plan	Drawing Number	Issue	Date
College Master Plan	A001/1	1	05/12/2014

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	8209C	DFP Planning Consultants	16 Dec 2014

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) Any amendments made by Council on the approved plans or documents;
- (ii) Any notes, markings, or stamps on approved plans or documents, and
- (iii) Any conditions contained in this consent.

2A. Maximum Number of Students

The maximum number of students permitted under this masterplan approval is 880.

3. Separate Approval Required for Stages of Development

This development consent does not authorise the construction, occupation or use of the buildings approved under this consent. Construction, occupation or use of the buildings and the carrying out of any works shall be subject to separate development consents.

Stage1: Trade Training Centre/Library Extension and associated walkways

Stage 2: Middle General Learning Areas (GLAs), PE court and associated walkways

Stage 3: Junior GLAs, Additional Car Parking (58 space extension to the existing eastern car parking area) and associated walkways

Stage 4: Pre-school and associated walkways

Stage 5: Senior GLAs, cricket nets and associated walkways

Stage 6: Specialist learning areas and associated walkways

Stage 7: Paved (play) area and additional western car parking spaces

Staging may be varied within the overall parameters set by this consent, with the written agreement of Council.

The additional car parking spaces to Car Park 1 are with 40m of an identified watercourse. The stage that includes this work will require approval under the *Water Management Act 2000*.

4. Construction Certificate

Prior to the commencement of building work or subdivision work, a Construction Certificate shall be obtained.

Note: If the Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).

5. Occupation Certificate

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

6. Retention of Trees and Native Vegetation (Development)

All native vegetation on the site shall be retained and protected unless it:

- (a) has been identified for removal on the approved plans or documentation; or
- (b) has been identified for selective removal by the NSW Rural Fire Service; or
- (c) is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) and provided it has not been identified for specific retention in any of the approved plans or documentation.

A separate application shall be made to Council in accordance with Clause 5.9 of LEP 2014 for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

- (a) installing exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing shall be installed prior to the issue of the first Construction Certificate or if no Construction Certificate is necessary, prior to the commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Council's Development Planner Flora and Fauna when exclusion fencing has been installed;
- (b) prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- (c) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- (d) limiting the number of access points;
- (e) salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- (f) notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

7. Vegetation Management Plan and Implementation

A person qualified in natural vegetation management, ecology or bush regeneration shall be retained to prepare a Vegetation Management Plan (VMP) in consultation with Council's Development Planner Flora and Fauna. The VMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans*. The VMP shall be submitted, to and approved by Council's Development Planner Flora and Fauna prior to the issue of the first construction certificate.

The VMP shall specifically address:

- Fencing of the E2 zoned land during vegetation clearing
- Treatment of the bushfire asset protection zone, including nomination of specific trees for removal/retention. Tree 118, 119, 120, 124 and 138 as described in the Arboricultural Impact Assessment and Tree Protection Plan (PE Court and library extension 17/08/2015) must be retained within the bushfire asset protection zone for their high ecological value.
- Replacement planting of 57 trees (44 from the PE court/library and 13 from the carpark) within E2 zoned land at the site, or as otherwise agreed to by Council (other suitable areas may include the along the Fassifern road boundary). Species are to be scribbly gum *Eucalyptus racemosa*, **red bloodwood** *Corymbia gummifera*, Sydney peppermint *Eucalyptus piperita*, smooth-barked apple *Angophora costata* and red mahogany *Eucalyptus resinifera*.

- Removal of 100% of noxious and transformer weeds from the E2 zoned land.
- Rubbish removal from the E2 zoned land.

Implementation of the VMP shall commence immediately upon any construction work commencing and shall be carried out in accordance with the VMP approved schedule of works. Annual Monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VMP. Implementation of the VMP may cease once outcomes of the VMP have been met, the works schedule completed and approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

8. Hollow Bearing Tree Removal

A qualified ecologist or wildlife carer shall supervise installation of nest boxes, relocation of nest boxes and removal of any hollow bearing trees or stags to ensure mitigation against any native animal welfare issues.

Two nest boxes are to be relocated and two additional nest boxes provided onto appropriate trees in the E2 zone, and be of a design suitable for species that may be residing in trees marked for removal. Nest boxes are to be of a design consistent with '*Nest Boxes for Wildlife - A Practical Guide (Franks, 2006)*' and of durable material (ie; marine ply or equivalent). Nest boxes shall be monitored to determine their usage and repairs or replacement (as required) carried out on an annual basis for a minimum period of five years following installation. The qualified ecologist or wildlife carer shall provide Council's Development Planner Flora and Fauna with a written report of the species detected and the condition of nest boxes following completion of the following stages:

- Removal of hollow bearing trees;
- Installation of nest boxes, and
- Annual monitoring/maintenance of nest boxes.

Removal of trees with habitat hollows shall be undertaken in either March, April, September or October, to minimise impact to threatened species that could breed and or hibernate within hollows on site. Any hollow-bearing trees shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.

9. Trees 3 and 9 - Car Parking Proposal

Trees 3 and 9 are to be retained as they form part of the grouping of trees located along the school frontage and provide a significant element of streetscape amenity to Fassifern Road.

The successful retention of the two trees is subject to amendments in design that adheres to identified TPZ setbacks in Section 3.3 of Addendum to Arborist Report.

10. Proposed Development at rear of Site (PE Court etc)

The following additional Tree Protection Measures for one hollow bearing Sydney Peppermint tree identified as Tree 124 (per Arboricultural Impact Assessment and Tree Protection Plan) are required:

1. A layer of mulch is to be spread over the exposed roots of Tree 124 where vehicular access is required outside of the approved tree protection zone fencing.
2. The mulch is to be at a depth that protects all exposed roots within the trees Tree Protection Zone (TPZ), and is to be spread a minimum eight (8) metres radius from the trunk of the tree.
3. Timber 'rumble boards' or similar are to be placed on top of the mulch and securely strapped together to limit movement when vehicles and other equipment crosses the TPZ.
4. Tree root protection measures are to be monitored and maintained for the duration of all works until practical completion of construction.

11. Proposed Footpath

The proposed footpath extension along the western side of Fassifern Road from the northern car park entry to the next vehicular driveway crossing is to be provided in conjunction with the next development application lodged for works approved by this consent.

Where possible the proposed footpath is to be offset 1m from the proposed kerb.

Either RMS rated pedestrian fencing or a guardrail is to be provided along the road side of this footpath.

The pedestrian crossing within the road reserve across the northern car park access is to be deleted.

12. Motor Bike Parking

Four (4) motor bike parking spaces are to be made available on site.

13. Car Parking and Allocation of Spaces

A maximum of 212 car parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The car parking spaces are to be identified on-site by line marking and must be numbered. The car parking provided shall only be used in conjunction with the uses contained within the development and except as provided for in these conditions are not to be used other than by an occupant or tenant of the development.

The required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons.

14. Noise - Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.

Approved Construction Times

The approved hours for construction of this development are –

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

No construction work shall take place on Sundays or Public Holidays.

Construction Periods in Excess of 26 Weeks

If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The NMP shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

Operational times may be amended with the written advice of Council's General Manager or delegate.

15. Crime Risk Assessment

A Crime Prevention Through Environmental Design (CPTED) report is to be prepared for the future development stages that addresses the main crime risks. The report is to identify a number of strategies to mitigate further risks and to ensure that the proposal is designed and constructed in accordance with CPTED principles.

16. Waste Management

A Site Waste Minimisation and Management Plan (SWMMP) is to be prepared for and submitted with future applications for individual buildings. Details to be covered include intentions in waste management, waste avoidance and recycling.

17. Acoustic Assessment Report

Council has reviewed and relied on the information contained in the acoustic assessment report from Vipac Engineers & Scientists Ltd of 2 April 2013 (Report No.20C-12-0116-TRIP-266092-3)

The consultant will need to be engaged by the developer to ensure that proper attenuation measures such as barriers, acoustic insulation, window laminated glass & the correct sound power levels of specified mechanical plant is installed within the development & thus complying with requirements of

consultant. The consultant will also need to take into consideration period break bells & use of amplification systems.

Prior to the issue of any Occupation Certificate, Council requires certification from the consultant advising that the acoustic design has incorporated noise mitigation measures complying with the consultant's requirements & thus the relevant noise policies & standards.

Upon completion of any works, a certificate shall be provided from the acoustic consultant within one (1) month after issue of the Occupation Certificate certifying that the works have been completed in accordance with their requirements & that the desired acoustic performance has been achieved.

18. Land Contamination

Council has relied on the information provided in the Phase 1 Site Contamination Investigation carried out by SLR Consulting Australia Pty Ltd (Report No 610.13204-R1 dated 28 November 2013). All future development applications are to demonstrate consistency with the Phase 1 site Contamination Investigation carried out by SLR Consulting Australia Pty Ltd (Report No 610.13204-R1 dated 28 November 2013).

With respect to Lot 1 DP 877105 a targeted stage 2 detailed site investigation will be required to draw conclusions about the land with respect to suitability for any proposed works within the identified contaminated areas.

19. Disability Access Requirements

Access for people with disabilities must be provided from the building(s) to kerb ramps and footpaths along the street frontage, by means of a continuous path of travel in accordance with Australian Standard AS 1428.1.

Note: Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

The following legislation may be relevant:

- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult:

- Human Rights and Equal Opportunity Commission
- NSW Anti Discrimination Board.

An access audit is required for the future applications demonstrating how non- discriminatory access and use will be provided. The audit needs to be completed by an Accredited Access Consultant.

20. Waste Management

A Site Waste Minimisation and Management Plan (SWMMP) is to be prepared for and submitted with future applications for individual buildings. Details to be covered include intentions in waste management, waste avoidance and recycling.

21. Construction Site Vibration

Vibration on surrounding land from construction site operations shall comply with the Office of Environment and Heritage publication "Assessing Vibration: a technical guideline" February 2006.

22. Emissions

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

General Terms of Approval

The following approval bodies have given general terms of approval in relation to the development: Mine Subsidence Board and NSW Rural Fire Service

Rural Fire Service

Asset Protection Zones (APZs) of 70 metres to the north west and south west of the proposed development within the subject site are required as indicated on the drawing prepared by Stanton Dahl Architects references 1447.12 and dated 05 December 2014.

The requirements for special Fire Protection Purpose Developments (SFPPs) prescribed under section 4.2.7 of the Planning for Bush Fire Protection 2005 need to be considered for any new development on the subject site with regard to APZs, access, services, landscaping, construction and emergency evacuation plan.

Mine Subsidence Board

Further approval will be required from the Mine Subsidence Board for any construction stage.