

## General Conditions

### Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise (refer to Table titles for information related to the hierarchy of approved documents).

**Table A** references the development plans current at the time of determination – these plans take precedence over any conflicting plans or superseded plan revisions referenced in the approved documentation in table B & C

Pln. No.	Rev. No.	Plan Title.	Drawn by.	Dated.
19055-NBRS-DR-A-DA01	3	COVER SHEET AND DRAWING LIST	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA02	3	SITE ANALYSIS	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA03	2	ADJACENT MAP	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA04	3	MOVEMENT MAP	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA05	3	VIEW IMPACT ASSESSMENT	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA06	3	VIEW ANALYSIS	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA12	4	3D PERSPECTIVE	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA13	4	SITE ELEVATIONS	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA14	11	STAGE 1 - STAGE 1 SITE PLAN	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA15	5	STAGE 1 - DEMOLITION	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA16	6	STAGE 1 - FLOOR PLANS	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA17	3	STAGE 1 - ELEVATIONS SHEET 1	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA18	3	STAGE 1 - ELEVATIONS SHEET 2	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA19	3	STAGE 1 SECTIONS	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA20	3	COLOURS/MATERIALS SCHEDULE	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA21	3	STAGE 1 SHADDOW DIAGRAM	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA23	5	SIGANGE PLAN	Architect NBRS	05/06/2025
19055-NBRS-DR-A-DA24	4	MEDIAN FENCING DIAGRAM	Architect NBRS	05/06/2025
19055-NBRS-DA-DR-A-001	3	Cover Sheet	Architect NBRS	19/2/2025

19055-NBRS-DA-DR-A-0001	5	General Notes	Architect NBRS	19/2/2025
19055-NBRS-DA-DR-A-0201	5	STAGE 1 LEVEL & FINISH PLAN	Architect NBRS	19/2/2025
19055-NBRS-DR-A-301	1	ARRANGEMENT PLAN	Architect NBRS	19/2/2025
19055-NBRS-DA-DR-A-0301	5	STAGE 1 PLANTING PLAN	Architect NBRS	19/2/2025
19055-NBRS-DA-DR-A-0401	5	TYPICAL DETAILS - HARDWORKS	Architect NBRS	19/2/2025
19055-NBRS-DA-DR-A-0402	5	TYPICAL DETAILS - SOFTWORKS	Architect NBRS	19/2/2025
C.20	E	Overall Site Plan	Birzulis Associates	22/01/2025
C.21	E	Stormwater External 01	Birzulis Associates	22/01/2025
C.22	E	Stormwater External 02	Birzulis Associates	22/01/2025
C.23	E	Stormwater and External Works – Sheet 02 Plan 1	Birzulis Associates	22/01/2025
C.24	E	Stormwater and External Works – Sheet 02 Plan 2	Birzulis Associates	22/01/2025

**Table B** – references amended documentation supplied as part of additional information and amendments lodged to the development application. This documentation takes precedence over any references to conflicting information, plans or documentation included in table C.

Document Title.	Ver. No.	Prepared By.	Dated.
Traffic Assessment RFI Response		PTC Pty Ltd	2 June 2025
Planning RFI Response June 2025		EPM Projects	4 June 2025
Operational Management Plan		Pacific Brook Christian School	3 June 2025
Flood Emergency Response Plan	04	Torrent Consulting	June 2025
Review of Flood Reports		Henry & Hymas	16 Jan 2025
Planning RFI Response February 2025		EPM Projects	10 February 2025
Arborist Impact Assessment Report		Abel Ecology	24 January 2025
Prescribed Ecology Actions Report		Abel Ecology	24 January 2025

**Table C** – references documentation submitted with the initial lodgement of the development application which has not been directly superseded through the submission of a revised plan or document version through application amendments.

Document Title.	Ver. No.	Prepared By.	Dated.
Statement of Environmental Effects		EPM Projects	6/8/2024
Traffic Impact Assessment		PTC	01/08/2024
BCA Assessment		NBRS Architecture	12/07/2024
Access Report		Jensen Hughes	11/07/2024
Ecological Sustainable Development Report		Jensen Hughes	23/07/2024
Embodied Emissions Material Form		Nabers	NA
Flood Impact and Risk Assessment		Torrent Consulting	August 2024
Aboriginal Cultural Heritage Assessment		APEX Archaeology	July 2024
Detailed Site Investigation		Douglas Partners	July 2024
Sampling Analysis and Quality Plan		Douglas and Partners	July 2024
Geotechnical Investigation		Douglas and Partners	July 2024
Remediation Action Plan		Douglas and Partners	July 2024
Noise Impact Assessment		Acoustic Logic	10/07/2024
Building Service Infrastructure Report	2	BSE True Partners	20/06/2024
Waste management Plan		Waste Audit Consulting Services	July 2024

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**Condition reason:** Prescribed condition under section 69 of the *Environmental Planning and Assessment Regulation 2021*.

Access to Premises Standard

The building shall comply with the requirements of the *Commonwealth Disability (Access to Premise Standard) 2010*.

**Condition reason:** To ensure the development complies with the requirements of *Commonwealth Disability (Access to Premise Standard) 2010*.

#### Maximum Student Numbers

In accordance with the approved plans and documentation the maximum student population for the education establishment is restricted to a **maximum of 140 students**, except where an amended maximum student cap is approved by the modification of this Development Application or a subsequent Development Application lodged in relation to the premises.

**Condition reason:** To ensure compliance with the approved plans and local authority requirements.

#### Footpath Requirement

It is a requirement of this consent for a 2.5m wide footpath to be designed and constructed along the north eastern side of the New England Highway from the Thompson Street traffic lights, along the site frontage and to the intersection of the New England Highway and St Andrews Place.

**Condition reason:** To identify the scope of the approved development and ensure compliance with local authority requirements

### Before issue of a Construction Certificate

#### Construction Certificate Requirement

No works shall commence on-site until a Construction Certificate has been issued for either part or all of the works to be undertaken. If a Construction Certificate is issued for part of the approved works, it must relate to all works being undertaken.

Note: a construction certificate issued by an Accredited Certifying Authority must be provided to Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

**Condition reason:** Prescribed condition under Clause 6.7 of the *Environmental Planning and Assessment Act 1979*.

#### Section 7.12 Contributions

Pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*, and the *Muswellbrook Shire Council Section 94A Development Contributions Plan 2010*, a contribution of \$78,925 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.

**Condition reason:** Fixed development consent levy in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

## Headworks Contribution - Notice of Requirements

Prior to the carrying out of any works associated with the provision of reticulated water and sewer to the development, a 'Notice of Requirements pursuant to the provisions of the Water Management Act 2000, is to be obtained from Council.

Any Notice of Requirements will require the payment of water and sewer headworks contributions prior to the issue of a Compliance Certificate. Water and sewer headworks contributions applicable under Council's current fees and charges for the development are specified the table below:

Headworks Contribution	ET calculated per student & staff member – (140+16 = 156)	Contribution per 1 ET	Total Contribution calculated for 1 Lot
<b>Water</b>	0.03 x 156 = 4.68	\$8,839.50	\$41,368.86
<b>Sewer</b>	0.05 x 156 = 7.8	\$6,862.80	\$53,529.84
<b>Total</b>			\$94,895.84

The contributions payable are subject to annual adjustments in accordance with Council's Fees and Charges and the Consumer Price Index. The contributions paid in relation to this approval shall be the contributions applicable under Council's Fees and Charges at the time of any application for a Compliance Certificate.

To inform the process of obtaining a 'Notice of Requirements' it is recommended that early contact is made with Council's Water & Waste Division on (02) 6549 3840. It is recommended that early contact in relation to the required water connections as the construction of water/sewer extensions can be time consuming and may impact on other services, building, driveway, or landscape design.

**Condition reason:** Requirement under the *Water Management Act 2000*.

## Section 138 Approval Requirement

Prior to the issue of any Construction Certificate, the applicant must obtain a Section 138 Approval from Muswellbrook Shire Council for works within Council-managed road reserves, including:

- Driveway crossings;
- 2.5m wide footpath (where outside TfNSW corridor);
- Associated kerb, drainage, and public domain works.

Works within the TfNSW-managed New England Highway corridor must instead be approved via a Works Authorisation Deed

**Condition reason:** Requirement under section 138 of the Roads Act 1993.

## Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Site Management Plan must be prepared, and provided to the principal certifying authority. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
  - i. Proposed truck movements to and from the site;
  - ii. Estimated frequency of truck movements; and
  - iii. Measures to ensure pedestrian safety near the site;
- e) Details of bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out works;
- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
  - i. AS 4970 – Protection of trees on development sites;
  - ii. An applicable Development Control Plan;
  - iii. An arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

**Condition reason:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

#### Construction Detail Plant Noise

Prior to the issue of a Construction Certificate a detailed acoustic review of external plant items is to be undertaken by an Acoustic Consultant or dually qualified person following equipment selection and duct layout design.

The review should demonstrate that all plant items will be capable of meeting noise emissions requirements of the EPA Noise Policy for Industry Trigger Levels.

Documentation demonstrating compliance with this requirement is to be provided to the Certifying Authority Prior to the issue of any Construction Certificate.

**Condition Reason:** Ensure compliance with Noise Impact Assessment recommendations

#### Road Noise Construction Detail

In accordance with the recommendations of the approved Noise Impact Assessment the buildings closer to Maitland Street are to have an acoustically attenuated building envelope and the provision of an alternative ventilation system to permit windows to be closed.

Prior to the issue of a Construction Certificate documentation is to be submitted to the Principal Certifying Authority by an appropriately qualified person demonstrating that the design of these systems will comply with the internal noise level recommendations of 'Development Near Rail Corridors and Busy Roads' Interim Guideline and related recommendations of the approved Noise Impact Assessment.

**Condition Reason:** Ensure compliance with State Environmental Policy and Noise Impact Assessment recommendations.

#### SEPP (Sustainable Buildings) 2022

The documentation submitted to the Principle Certifying Authority with any Construction Certificate shall include suitable documentation from an appropriately qualified person detailing that the plans submitted for construction achieve minimum building sustainability performance requirements in accordance with the minimum requirements of the NABERS and ESD Reports approved by this development application or any subsequent version of the report endorsed in writing by Council.

**Condition Reason:** Ensure compliance with SEPP (Sustainable Buildings) 2022

#### Long Service Levy

Prior to the issue of a Construction Certificate the person acting with this consent is to provide suitable documentary evidence to the Certifying Authority to demonstrate the payment of all applicable Long Service Levy fees related to the development.

**Condition reason:** prescribed legislation

#### Remediation Action Plan Compliance Detail

Prior to the issue of any Construction Certificate the Principal Certifying Authority is to be provided with a detailed work plan prepared by a suitably qualified contractor/consultant outlining how compliance with the approved Remediation Action Plan and validation process is to be achieved.

**Condition reason:** To ensure remediation in accordance with RAP and the site is suitable for the proposed development.

#### Works Authorisation Deed

Prior to the issue of a Construction Certificate the applicant is to have submitted an application to enter into a Works Authorisation Deed with Transport for NSW in accordance with Section 64 of the Roads Act 1993 related to works to be carried out within the New England Highway Road corridor.

Any application for a Works Authorisation Deed is to be accompanied with detailed design plans of all works within the Highway Road corridor.

In accordance with the requirements specified in Transport for NSW 10 March 2025 correspondence those detailed design plans shall include:

- a) Design details for the proposed median fencing confirming the design suitably provides for necessary clearances for oversized over mass vehicles.
- b) A geotechnical investigation is to be undertaken in relation to the design of the new bus bay and submitted with the application and detailed pavement design plans.
- c) All new Drainage on Maitland Street will need to be designed and constructed in accordance with TfNSW QA Specification R11 Stormwater Drainage.
- d) All new Kerb work on Maitland Street will need to be designed and constructed in accordance with TfNSW QA Specification R15 Kerbs and Channels (Gutters).

- e) Removal of TfNSW sealed pavement is to be minimised as much as practical. Any pavement restoration that may be required is to be deep lift asphalt in accordance with TfNSW QA Specification R116 Heavy Duty Dense Graded Asphalt.
- f) Strategic design for the works is to be prepared in accordance with Transport for NSW Strategic Design Factsheet or any superseding document.

**Condition reason:** ensure compliance with Road Authority requirements

#### Stormwater Management – Design Details & Stormwater Section 68 Permit

Prior to the issue of any Construction Certificate for the development a Section 68 permit under the Local Government Act 1993 is to be obtained from Council for stormwater and drainage work related to the proposed development.

The Section 68 permit application is to be accompanied by a stormwater management plan and related design detail of the sites internal stormwater drainage. This plan is to be prepared by a suitably qualified person to the satisfaction of Council Roads and Drainage Engineers.

Stormwater works are to be carried out in accordance with the requirements of the related Section 68 permit.

**Condition reason:** To ensure stormwater overflows due to the development is managed appropriately to protect the amenity of the locality.

#### Internal Driveway and Parking Areas

Plans submitted to the Certifying Authority with the Construction Certificate application shall include detailed design plans to the satisfaction of the Certifying Authority for the parking and traffic manoeuvring areas internal to the site, Detailed design plans should include the following:

- a) Details confirming kiss-n-ride area width and turning circles from the carpark area to the Kiss-n-ride area to be demonstrated to suit loading vehicles to equivalent size of a 3T Pantech loading vehicle for deliveries to the school.
- b) Carpark area to be designed in accordance with AS 2890.1, and include relevant lighting, line-marking, pedestrian crossing and concrete wheel stops to be maintained at all times. Additional guidance arrows to be provided for traffic flow direction.
- c) Advice from an appropriately qualified traffic engineer confirming the suitability of the proposed internal pedestrian crossing design. It is recommended that consideration is given to this crossing incorporating a wombat crossing with additional speed bumps prior to the crossing including any additional lighting requirements.
- d) Detail design for the proposed bus parking bays and plans demonstrating that the bay location/orientation is suitable to support bus manoeuvring in to/out of these bays. In finalising the bus bay design consideration should be given to incorporating measures to restrict pedestrian movement across the bay turning areas such as exclusion gates along each adjacent pedestrian pathway.



- e) Incorporate the provision of off-street car parking in accordance with the proposed plans and relevant Australian Standards. The construction plans are to provide for a minimum of thirty (30) off-street parking spaces, with an additional eight (8) pullover, kiss n drop spaces provided for per the proposed plans.
- f) Incorporate the sealing of all parking, manoeuvring and driveway access spaces in accordance with the provisions of AS 2890.1.

**Condition reason:** ensure construction of car parking areas complies with this consent and Council Roads and Drainage Section requirements.

#### Flood Prone Land - Floor Levels

All habitable classroom areas are to be constructed at a minimum finished floor height of 149.62m Australian Height Datum (AHD) plans submitted with any Construction Certificate application shall confirm floor levels are established in accordance with this requirement.

Surveys confirming that this requirement has been adhered to during construction are also required under conditions linked to the carrying out of building works in this consent.

**Condition reason:** To ensure the development is compliant with the relevant flood safety considerations.

#### Construction Standard

All structures proposed to be constructed on the site are to be designed to withstand flood impacts.

**Condition reason:** To achieve compliance with the requirements of NSW Planning Circular PS-24001.

### Before building work commences

#### Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the work site is prohibited,
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours, and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

This condition does not apply to building works being carried out inside an existing building.

**Condition reason:** Requirement under Section 70 under the *Environmental Planning and Assessment Regulation 2021*.

#### Site Facilities

- a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway to facilitate the safe movement of pedestrians.
- c) Any such hoarding or fence is to be removed when the work has been completed.
- d) A garbage receptacle fitted with a tight-fitting lid is to be provided for disposal of all food scraps and papers from the work site prior to building work commencing and must be maintained and serviced for the duration of the work.
- e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- f) Each toilet provided must:
  - be a standard flushing toilet, connected to a public sewer, or
  - i. if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
  - ii. an approved temporary chemical closet.
- g) The provision of toilet facilities must be completed before any other work is commenced.
- h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
  - i. protect and support the building from damage, and
  - ii. If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.

Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site

**Condition reason:** To ensure that measures that will protect the public, and the surrounding environment are in place during site works and construction.

#### Stabilised Access

Unless a suitable existing site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size and a minimum of 3m in width must be provided from the road edge to the front of the building being constructed prior to the commencement of work.

The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

**Condition reason:** To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site.

#### Works within Council Road Reserve

Prior to commencing construction of the driveway/vehicle crossing/layback, within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993.

**Condition reason:** To ensure compliance with Council's Road Design requirement.

#### Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit to Council, in writing and/or photographic record, evidence of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work, it will be assumed that the infrastructure was undamaged, and the applicant will be required to restore all damaged infrastructure at their expense.

**Condition reason:** To ensure any damage to public infrastructure is rectified.

#### Sediment and Erosion Control Measures in Place

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

**Condition reason:** To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site.

#### Public Liability Insurance

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of and approved works within Council's Road reserve or public land, as approved in this consent.

The Policy is to note, and provide protection for Muswellbrook Shire Council, as an interested party and a copy of the Policy must be submitted to Council and the Certifying Authority prior to commencement of the works.

The Policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for vehicular crossings etc will require evidence of insurance upon lodgement of the application.

**Condition reason:** To ensure any damage to public infrastructure is rectified.

### Water Meter

A water meter issued and installed by Muswellbrook Shire Council must be connected to the town's reticulated water supply prior to commencement of works on site.

**Condition reason:** To ensure relevant utility services are provided to the development site.

### Ecologist Species Control

Prior to the commencement of works involving the removal of vegetation the person acting with this consent shall engage a qualified ecologist to attend the and inspect trees that are to be removed as part of the works. Following this inspection the ecologist is to provide further written direction as to how the works shall proceed to minimise disturbance to any roosting species.

Works shall proceed in accordance with any related advice and a copy of the advice is to be provided to Council for its records.

**Condition reason:** To ensure relevant utility services are provided to the development site.

### Soil Validation

As soon as is reasonably practicable and prior to undertaking work related to the construction of any new buildings a Validation Report is to be prepared in relation to the completion of all required remediation work in accordance with the approved Remediation Action Plan. The validation report is to be prepared generally in accordance with S 12.4 of this document and is to be submitted to the Principle Certifying and Consent Authorities.

**Condition reason:** To ensure remediation in accordance with RAP and the site is suitable for the proposed development.

## During building work

### Flood Prone Land - Floor Levels

All habitable classroom areas are to be constructed at a minimum finished floor height of 149.62m Australian Height Datum (AHD).

At the establishment of form work and prior to the pouring of building foundation slabs a suitably qualified Surveyor is to undertake a site survey and provide a finished floor level report to confirm the formwork has been suitably established to achieve the required minimum floor level.

Following the pouring of building foundation slabs a second site survey and finished floor level report is to be undertaken to confirm the finished floor level has been established at the height specified by this consent.

A copy of the related reports are to be provided to the Certifying Authority, the first report prior to undertaking any critical stage inspection related to the slab form work or footings and the second prior to the installation of the building frame and any frame inspection thereafter.

**Condition reason:** To ensure the development is compliant with the relevant flood safety considerations.

#### Construction Hours

Subject to this clause, building construction is to be carried out during the following hours:

- i. between Monday to Friday (inclusive)—7.00am to 6.00pm
- ii. on a Saturday—8.00am to 1.00pm

Building construction must not be carried out on a Sunday or a public holiday.

Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

The builder and excavator must display, on-site, their 24-hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site

**Condition reason:** To protect the amenity of the surrounding area.

#### Prohibition on Use of Public Land

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council.

Building materials and equipment must be stored wholly within the work site unless prior written approval has been obtained from Council. Equipment must not be operated on the footpath or roadway unless prior written approval has been obtained from council.

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

**Condition reason:** To ensure the development is wholly within the approved site.

#### Amenity - Dust Emission and Air Quality

The following measures must be taken to control the emission of dust:

- a) Materials must not be burnt on the site.
- b) Vehicles entering and leaving the site with soil or fill material must be covered.
- c) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- d) All dusty surfaces and stockpiles of materials must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- e) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

**Condition reason:** To protect the amenity of the locality.

## Construction Noise

During the carrying out of works construction noise impacts are to be managed in accordance with the recommendations of Section 9 of the stamped approved plan 'Noise Impact Assessment' prepared by Acoustic Logic, alongside any supplementary measures included in the Construction Management Plan

**Condition reason:** Ensure compliance with Noise Impact Assessment recommendations

## Discovery of Aboriginal Heritage

If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

**Condition reason:** Ensure protection of items of cultural heritage in accordance with relevant legislation.

## Tree Removal

Prior to the commencement of works a qualified arborist is to be engaged to erect tree protection fencing in accordance with relevant Australia Standards. Tree protection fencing is to be erected around the trees identified as Tree 73, 51 and 169 as specified in the approved Ecology Report.

**Condition reason:** Ensure protection of significant trees in accordance with Ecologist Recommendation

## General Tree Management Recommendations

Works related to vegetation pruning and management are to be carried out generally in accordance with the recommendations of the approved Ecology Report and Arborist Report stamped and referenced as an approved document by this consent.

**Condition reason:** Ensure protection of significant trees in accordance with Ecologist Recommendation

## Use of Clean fill

Any fill used through the carrying out of the development is to be natural virgin excavated material sourced from a reputable provider.

**Condition reason:** ensure the use of appropriately sourced fill material

## New England Highway Road Works General

Removal of TfNSW sealed pavement is to be minimised as much as practical. Any pavement restoration that may be required is to be deep lift asphalt in accordance with TfNSW QA Specification R116 Heavy Duty Dense Graded Asphalt.

**Condition reason:** Ensure compliance with Road Authority requirements

## Before issue of an Occupation Certificate

### Occupation Certificate Requirement

The building / structure is not to be used or occupied until a final inspection has been carried out and an Occupation Certificate has been issued by the Certifying Authority.

**Condition reason:** Prescribed condition under Clause 6.9 of the Environmental Planning and Assessment Act 1979.

### Notice of Completion

Prior to the issue of an Occupation Certificate, a Notice of Completion or a final compliance certificate from Council's Water and Waste Division is to be obtained in relation to works carried out to provide a reticulated water and sewerage service to each of the lots in the subdivision.

Details demonstrating compliance with this requirement must be provided to the Certifying Authority demonstrating that this requirement has been complied with and a connection to the reticulated water and sewer service provided to each lot in the subdivision.

**Condition reason:** To ensure that contributions and works required by the Notice of Requirements have been complied with.

### Reinstatement of Infrastructure

Prior to the issue of the Occupation Certificate, all redundant lay-backs and vehicular crossings shall be reinstated, at the applicant's expense, to conventional kerb and gutter/ foot-paving or grassed verge as appropriate.

**Condition reason:** To ensure that any damage to Infrastructure is rectified.

### Connection to Sewer

The premises shall be connected to the sewer system in accordance with the *Australian Standard 3500*. A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

**Condition reason:** To ensure the development complies with Muswellbrook Shire Council Sewer requirements.

### Site Boundary Fence

Prior to the issue of an Occupation Certificate an imperforate boundary fence at a height of 1.8m is to be installed along the site boundary with the properties adjoining the site that front St Andrews Place.

Refer to the approved Noise Impact Assessment for further detail regarding fence materials.

**Condition reason:** Ensure compliance with Noise Impact Assessment recommendations

### Golf Safety Fence

Prior to the issue of an Occupation Certificate a 6m high golf safety fence is to be installed adjacent to the school boundary with the Muswellbrook Golf Course. The safety fence panels are to be constructed from material typical of this type of fence (meshing/chain wire).

The safety fence is to be maintained on the site at all times the site is in operation.

**Condition reason:** Ensure the safe management of the sites operation.

### Validation Report

Prior to the issue of any Occupation Certificate and commencement of use a Validation Report confirming the site has been suitably remediated in accordance with the Remediation Plan and to a standard that is suitable for the carrying out of the development is to be submitted to the Consent and Certifying Authorities.

**Condition reason:** To ensure remediation in accordance with RAP and the site is suitable for the proposed development.

### New England Highway Works

Prior to the issue of any Occupation Certificate all required works within the New England Highway and for which a Works Authorisation Deed has been obtained in accordance with the consent requirements are to be fully completed to the satisfaction of the Roads Authority.

**Condition reason:** ensure compliance with Road Authority requirements

### Road Median Fencing

Prior to the issue of any Occupation Certificate the median fence along the New England Highway medium is to be fully installed between the Thompson Street and Rutherford Road intersections in accordance with the approved plans and Roads Authority requirements.

**Condition reason:** development in accordance with approved plans and ensure compliance with Road Authority requirements

### Event Parking Management Plan

Prior to the issue of an Occupation Certificate an event parking management plan is to be prepared detailing temporary parking management measures to be put in place by the operator of the premises for unique school events, open days, parent teacher interviews, fetes and other events reasonably likely to be held at a school campus.

The event parking management plan is to be prepared by a suitably qualified Traffic Engineer and detail event management parking procedures to be put in place by the site operator when hosting events with the potential to exceed on-site parking capability. The management plan should give consideration to:

- a. Include measures to ensure site attendees are aware of and respect no parking areas within the New England Highway road environment and do not infringe on the private off-street parking of nearby businesses.



- b. Overflow parking arrangements exceeding any on-site parking provisions noted by the Event Management Plan and updated Parking and Traffic Impact Assessment is to be provided to Council for approval to allow assessment of any demand impacts or safety considerations for students and parents/guardians.
- c. Any traffic or directional signage required to assist in vehicles navigating to appropriate overflow parking areas/managing potential for traffic conflict.
- d. Minimising the likelihood/potential for overflow parking
- e. adequate turning circle space to suit a B99 vehicle parking and forward-in, forward-out movements demonstrated by turning circle diagrams prior to Construction Certificate approval. Temporary plastic domes or suitable alternative are to be used to mark out any proposed spaces prior to special events at the school.

The event management parking plan is to be submitted to Council's Roads and Drainage Section for approval in writing from Council's Chief Engineer.

**Condition reason:** comply with requirement of Council Roads and Drainage Engineers.

#### Bus bay tactile markers

Prior to the issue of any Occupation Certificate and subject to WAD approval and any written requirements from the Roads Authority

Suitable tactile markers for the visually impaired (or those persons living with a disability) to be submitted as part of the design of the bus bay and footpath connection transitions into the school site in accordance with Australian Standards

**Condition reason:** Ensure compliance with Council Roads and Drainage Section requirements

#### Footpath Construction

Prior to the issue of an Occupation Certificate a 2.5m wide footpath is to be fully constructed along the north eastern side of the New England Highway from the Thompson Street traffic lights, along the site frontage and to the intersection of the New England Highway and St Andrews Place in accordance with the requirements of this consent.

**Condition reason:** ensure footpath construction in accordance with this consent.

#### Bicycle parking/storage

Prior to the issue of an Occupation Certificate bicycle parking facilities to be provided in accordance with the recommendations from the updated Traffic and Parking Impact Assessment. Other recommendations within this plan are supported as conditions of consent, except by exception within this advice.

**Condition reason:** comply with local Roads Authority requirements.

#### Parking - Off Street Car Parking

Prior to the issue of any Occupation Certificate a total of thirty (30) off-street car-parking spaces, together with access driveways, additional kiss n drop or pull over spaces shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate.

**Condition reason:** ensure development is carried out in accordance with this approval

#### Evacuation Buses

Prior to the commencement of site operations the person acting with this consent shall have sourced the three (3) privately owned school buses to be stationed at the site in accordance with the Flood Emergency Response Plan.

Prior to the issue of the Occupation Certificate the Principle Certifying Authority shall be provided with evidence demonstrating that these buses have either been purchased by the site operator or that suitable contracts/procurement plans have been undertaken to confidently demonstrate that these vehicles will be acquired prior to the commencement of site operations.

The buses are to be stationed at the site during the school operation in accordance with related Flood Emergency Response and Operation Management Plans.

**Condition reason:** ensure compliance with flood emergency response plan.

#### Muscle Creek Flood Warning System

Prior to the issue of an Occupation Certificate suitable arrangements are to be made with Muswellbrook Shire Council Operators managing the Muscle Creek Flood Warning system for relevant school personnel to be added to the Muscle Creek Flood Warning System for the issuing of automated flood warning alert text messages.

Suitable documentary evidence is to be provided to the Certifying Authority demonstrating this has been undertaken.

At all times, the school shall ensure that they promptly update individuals that are registered with receive Muscle Creek Flood Warning message alerts with any staffing changes or updates to flood management procedures.

**Condition reason:** ensure compliance with flood emergency response plan.

#### Flood Gauge and Weather Station

Prior to the issue of an Occupation Certificate the on-site flood gauge and weather station is to be fully installed in accordance with the Flood Emergency Response Plan.

A certificate related to the commissioning of both systems is to be submitted by an appropriately qualified person related to their installation. Upon the completion of both systems a further certificate is to be provided from a qualified hydraulic engineer pertaining to the suitability of the systems installed to suitably perform their related functions in accordance with the Flood Emergency Response Plan.

A copy of these Certificates are to be provided to the Certifying and Consent Authorities

**Condition reason:** ensure compliance with flood emergency response plan.

## Occupation and ongoing use

### School Operation

At all times unless otherwise approved by Council in writing the school operating hours shall be in accordance with the following:

- **General Operating Hours** – Monday to Friday 7:30am – 6:30pm
- **OOSH** – Monday to Friday 7:30am – 6:30pm
- **Waste Removal** – Monday to Friday between 7am – 6pm
- **Ground maintenance** – Monday to Friday between 7 am – 6pm

**Reason:** Ensure compliance with Noise Impact Assessment recommendations

### Trade Waste

At any stage should a canteen or food kitchen that prepares commercial quantities of food to service the student population be established at the premises it will be necessary for the site operator to enter into a Trade Waste Agreement with Council's Water and Waste Division related to the discharge of commercial waste into Council's sewerage network.

Council's Water and Waste Division may be contacted on 6549 3700 for further information in relation to Trade Waste requirements.

**Condition reason:** comply with Water Authority requirements

### Food Shop Requirements

At any stage should a canteen or food kitchen that prepares commercial quantities of food to service the student population be established at the premises it will necessary for that food shop to be fit out in accordance with the requirements of the *Food Act 2003, Food Regulation 2015 and Australian Standards* relevant design construction and fit out of food premises (AS4674).

Prior to the operation of any food shop it will be necessary for the food shop to be registered with Council and inspected by Council's Environmental Health Officers.

Council's Senior Environmental Health Officer can be contacted on 6549 3700 for more information related to food shop fitout and registration requirements.

**Condition reason:** Ensure compliance with the Food Act.

### Stormwater - Management

All stormwater from the development including all hard standings and overflows from rainwater tanks is to be collected and disposed to:-

- a) The approved stormwater management plan.

**Condition reason:** To ensure that stormwater created by the development is managed appropriately.

#### Signage - Hours of Illumination

The sign shall only illuminate during the following hours:

Monday to Sunday 5am – 11pm

No illumination of the signage is permitted outside these hours, unless related to flood evacuation messaging in accordance with the approved Flood Emergency Response Plan.

**Condition reason:** To minimise impacts to the amenity of the locality and ensure consistency with signage character in the locality.

#### Signage - Illumination Intensity

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises. Any moving or flashing signs are prohibited and signage messages are not to be distracting to motorists. At all times animations, videos and other forms of movement are prohibited to be projected via the LED screen.

**Condition reason:** To minimise impacts to the amenity of the locality.

#### Amenity- Landscaping

The landscaped area of the development is to be maintained to a high standard at all times generally in accordance with the approved landscape plan

**Condition reason:** ensure compliance with this consent

#### Private Bus Operational Requirement

At all times private bus provisions for the school are to be maintained, as they form part of the proposed emergency management plan for the school. Temporary use of buses to facilitate short duration school excursions may be undertaken to the extent which these operations are consistent with the Flood Emergency Response Plan.

**Condition reason:** ensure development in accordance with approved plans and emergency management procedures

#### Flood Gauge Servicing

The on-site flood gauge is to be subject to an annual service/test by a suitably qualified person. At the completion of this inspection of the system any faults are to be repaired and a certificate is to be provided to the school confirming that the system is operating in a satisfactory manner.

For the first 3 years of developments operation the certificate confirming the systems satisfactory operation is to be provided to Council as evidence of the inspection and compliance with this requirement, within 30 days of the service.

For all years thereafter the school operator is to retain each certificate confirming the system service and satisfactory operation. These certificates must be retained as records for a minimum of 10 years following the related service. Council may at any

stage request to see records confirming the annual service requirement is being carried out in accordance with this requirement.

**Condition reason:** ensure compliance with flood emergency response plan.

#### Automated Weather Station Servicing

The automated weather system is to be subject to an annual service/test by a suitably qualified person. At the completion of this inspection of the system any faults are to be repaired and a certificate is to be provided to the school confirming that the system is operating in a satisfactory manner.

For the first 3 years of developments operation the certificate confirming the systems satisfactory operation is to be provided to Council as evidence of the inspection and compliance with this requirement, within 30 days of the service.

For all years thereafter the school operator is to retain each certificate confirming the system service and satisfactory operation. These certificates must be retained as records for a minimum of 10 years following the related service. Council may at any stage request to see records confirming the annual service requirement is being carried out in accordance with this requirement.

**Condition reason:** ensure compliance with flood emergency response plan.

#### Flood Emergency Response Plan Training

Training is to be provided to all school staff in relation to enacting the roles and responsibilities of the Flood Emergency Response Plan on a regular basis. The training is to be devised by a suitably qualified person. A copy of the related training manual/course description is to be provided to Council prior to the commencement of the schools operation.

The school operator shall ensure that training is provided to its staff as follows:

- Prior to initial occupation – training is to be provided to all staff.
- Annual refresher training – for new staff appointed in the period between the previous training.
- General retraining – refresher/retraining to be provided to staff who have previously completed the training every 3 years.

The school is required to keep records confirming the hosting of training sessions. These records are to be kept for a minimum of the 7 years from each training session. Council may request to be provided with documentation confirming that these training sessions have been undertaken at any stage.

**Condition reason:** ensure best practice response to flood management and student safety.

#### Flood Emergency Response Plan 5 Yearly Review

The Flood Emergency Response Plan and associated operational documents are to be maintained as 'living documents' and are to be subject to review and update by an appropriately qualified person, such as a Flood Consultant or Flood Emergency Response Specialist, every 5 years from the issue of the Occupation Certificate. In addition to this mandated 5 yearly review Council may at any time direct the school to undertake a review in writing where it considers it is to undertake learnings from a significant local flooding event or issue.

Each 5 yearly of review of the Flood Emergency Response Plan is to:

- a. Have regard to current best practice flood emergency response planning guidelines and safety measures
- b. Have regard to findings and learnings so far as they relate to the school and its operations from any significant flood events within NSW within that 5-year period.
- c. Have regard to any changes to the school operations so far as they may relate to or need to be factored into the sites flood response planning.
- d. Have regard to the status of any staff training and student drill preparedness and any requirements for improvements in these areas to ensure a suitable level of flood preparedness commensurate with the level of site risk.
- e. Investigate any areas where the school has not been keeping up with their obligations under the Plan or this consent related to flood preparedness and provide recommendations to address any identified areas.
- f. Provide a summary of compliance related to the schools adherence to the training and flood warning utility/infrastructure servicing required by this consent.
- g. Review current flood warning services

Following the completion of the 5 yearly review a report is to be prepared and any recommended updates to the Flood Emergency Response Plan, or Operation Management Plan tabled for the school's consideration and adoption.

At the completion of the review a copy of the review report and any recommended update to the Flood Emergency Response Plan is to be submitted to Council referencing this DA number via email to Council's general email address (currently [council@muswellbrook.nsw.gov.au](mailto:council@muswellbrook.nsw.gov.au)). Any response received from Council related to the document is to be fully considered by the school prior to the adoption of the updated plan/completion of the review. Where the school receives no response from Council within 4 weeks of the submission of the required documents any updated Flood Emergency Response Plan is taken to have superseded the former plan and is now the current Flood Emergency Response Plan endorsed by this consent.

**Condition reason:** ensure best practice response to flood management and student safety.

#### Operational Management Plan

At the issue of the Occupation Certificate the approved Operational Management Plan is to be updated to incorporate requirements included in this consent related to:

- Flood response plan training established under this consent.
- References the requirement for the school officers attached to the Muscle Creek Flood Warning System Early Warning Text message to be kept up to date.
- The annual service/testing of flood warning monitoring systems established under this consent.
- The 5 yearly review of the Flood Emergency Response Plan.

A copy of the updated plan is to be submitted to Council for review and approval. From the issue of the Occupation Certificate and into perpetuity the Operational Management Plan is to be reviewed on annual basis by the facility operator. A current version of the document is to be made publicly available (Council would accept the document being published on the operators website as making the document publicly available) and is to be provided to Council on request.

**Condition reason:** ensure the best practice update and management of the Operation Management Plan.