

# Development Consent

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

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the Environmental Planning and Assessment Act 1979, approves 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.

Adrian Pilton (Chair)  
**Member of the Commission**

Wendy Lewin  
**Member of the Commission**

Dr Sheridan Coakes  
**Member of the Commission**

Sydney

24 September 2021

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD-10371
<b>Applicant:</b>	The Council of Trinity Grammar School
<b>Consent Authority:</b>	Independent Planning Commission
<b>Site:</b>	119 Prospect Road and 50-52 Seaview Street, Summer Hill (Lot 11 DP 1171965, Lot 5 DP 15765 and Lot 6 DP 15765)
<b>Development:</b>	<p>Alterations and additions to Trinity Grammar School in construction stages and changes to staff and student numbers comprising:</p> <ul style="list-style-type: none"><li>• demolition of existing buildings including New School building, dwelling houses at 119 Prospect Road and 50 and 52 Seaview Street and part demolition of Music Building and Assembly Hall;</li><li>• construction of a:<ul style="list-style-type: none"><li>○ new building with a basement known as the T&amp;L Building;</li><li>○ new Multi-Purpose Pavilion, and</li><li>○ new Maintenance Building on Seaview Street;</li></ul></li><li>• alterations and additions to existing buildings to create a Performing Arts Building;</li><li>• refurbishment of the Music Building, New Founders Building, the Assembly Hall and North Quad Building;</li><li>• extension and reconfiguration of the Jubilee carpark and the staff carpark to increase the car parking spaces from 312 to 324 and a new underground connection;</li><li>• associated landscaping, removal of 29 trees, road and public domain works, ancillary signage;</li><li>• staged increase in student numbers from 1500 to 2100 and increase in FTE staff from 277 to 321.</li></ul>

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## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10371-Mod-2	26 May 2022	Team leader, School Infrastructure	Minor design amendments to the landscaping within the site
SSD-10371-Mod-3	30 June 2022	Team leader, School Infrastructure	Minor corrections to plan numbers

FOR INFORMATION

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## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	The Council of Trinity Grammar School or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>Archaeological Salvage</b>	The collection and removal of archaeological data and materials from site
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means Council or an accredited certifier
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical works to enable operation, including but not limited to the removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"><li>• building and road dilapidation surveys;</li><li>• investigative drilling or investigative excavation;</li><li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li><li>• salvage works (if any) in accordance with strategies / management plans approved by this consent;</li><li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li><li>• minor adjustments to services or utilities.</li></ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p>
<b>Council</b>	Inner West Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site

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<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, Supplementary Response to Submissions, including the works and activities comprising demolition, construction and landscaping, as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EESG</b>	Environment, Energy and Science Group of Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement The Renewal Project – Trinity Grammar School SSD-10371, prepared by Willowtree Planning dated April 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>FTE</b>	Full time equivalent
<b>GTP</b>	Green Travel Plan
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	A place, building, work, relic, archaeological site, tree, moveable object or precinct of heritage significance, that is listed under one or more of the following registers: the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: “material harm” is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements
<b>Jubilee car park Land</b>	As identified in the EIS. Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section J of the EIS and Part F of the Response to Submissions.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the</li> </ul>

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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)

<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Multi-Purpose Pavilion</b>	As identified in the EIS.
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEMP</b>	Operational Environmental Management Plan
<b>OMP</b>	Operational Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>POEO</b>	Protection of the Environment Operations Act 1997
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>Reasonable</b>	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.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions (RtS)</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act in the document titled <i>Response to Submissions – SSDA 10371 Trinity Grammar School – The Renewal Project</i> prepared by Willowtree Planning dated November 2020.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Summer Hill campus</b>	The land defined in Schedule 1.
<b>Supplementary Response to Submissions (SRTS)</b>	The Applicant's supplementary response to submissions in the document titled <i>Response to Additional Information Request</i> prepared by Willowtree Planning dated 21 January 2021 and information provided on 19 February 2021, 25 February 2021, 10 June 2021 and additional information submitted to the Independent Planning Commission dated 25 August 2021 (including all Appendices).
<b>TfNSW</b>	Transport for New South Wales
<b>T&amp;L Building</b>	Teaching and Learning Building
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

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## SCHEDULE 2

### PART A DEFERRED COMMENCEMENT CONDITIONS

The following are deferred commencement conditions imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*.

- A1. Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the Applicant must satisfy the following deferred commencement conditions prior to this development consent becoming operative:

#### DESIGN AMENDMENTS

- (1) The Applicant must submit to the satisfaction of the consent authority, architectural plans and further design details which:
- i. include revised construction materials and finishes for the Maintenance Building to demonstrate that it reflects and enhances the quality and character of the heritage conservation neighbourhood;
  - ii. include an increased boundary setback for the full length of the new Maintenance Building acoustic wall sufficient to support dense evergreen screen planting along the entirety of the acoustic wall on the side facing Seaview Street;
  - iii. revise the design of the T&L building to:
    - (a) respond to the scale and character of the heritage setting;
    - (b) preserve sight lines from the Quadrangle, Dining Hall and Chapel approaches as far as practicable; and
    - (c) increase the physical separation laterally over all levels between the T&L Building and the existing Quadrangle Building.
  - iv. accommodate soft landscaping measures between the southern facade of the Multi-Purpose Pavilion and Yeo Park to reduce the visual impact of the Multi-Purpose Pavilion on Yeo Park;
  - v. include revised construction materials and finishes for the Multi-Purpose Pavilion to demonstrate that it has a positive impact on the quality and character of the site, Yeo Park and the surrounding heritage conservation area; and
  - vi. revise Plan DA504, Sign 3, "Yeo Park Facing Façade", to demonstrate that:
    - (a) the LED Scoreboard is facing Oval No.3 and not in the direction of Yeo Park; and
    - (b) LED lighting is not oriented in the direction of Yeo Park.
- (2) The Applicant must submit to the satisfaction of the consent authority, landscaping plans which:
- i. include details of all Jubilee Drive works as provided in the *Jubilee Arrival Plan (Appendix 4)* in the information submitted on 25/08/2021 and *DA340 Issue A "Jubilee Sections"* dated 24/08/2021;
  - ii. include details of the fire stairs from the basement car park to Jubilee Drive;
  - iii. provide as a minimum for the planting of 67 additional trees consistent with the EIS;
  - iv. detail the location, species and height at maturity of plants to be planted on-site;
  - v. ensure that all plants are selected for drought tolerance;
  - vi. demonstrate that the trees within the 100L containers would have a minimum height at maturity of 12m;
  - vii. include the provision of dense evergreen screen plantings along the front / Seaview Street boundary of the Maintenance Building that will reach a mature height of at least 3m; and
  - viii. are consistent with the architectural plans in condition A1(1).
- (3) The Applicant must submit to the satisfaction of the consent authority, plans of the Jubilee car park and drop-off/ pick-up facilities which include:
- i. a minimum of 28 drop-off/pick up spaces;
  - ii. a minimum of 324 car parking spaces;
  - iii. a minimum internal circulation aisle of 408m; and
  - iv. details of the pedestrian link from the car park to the Junior School.
- A2. Evidence that will enable the consent authority to be satisfied those matters in the deferred commencement conditions have been addressed, must be submitted to the Planning Secretary for

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assessment within twenty-four months of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to Section 4.53(6A) of the *Environmental Planning and Assessment Act 1979*.

- A3. The development consent will not become operative until such time that the consent authority notifies the Applicant in writing that the requirements of the deferred commencement consent conditions have been satisfied.
- A4. Upon the consent authority giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent.

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## PART B ADMINISTRATIVE CONDITIONS

Once operative, the consent is subject to the following conditions:

### Obligation to Minimise Harm to the Environment

B1. 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

B2. 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, Response to Submissions, Supplementary Response to Submissions, **SSD-10371-Mod-2** and **SSD-10371-Mod-3**;
- (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by PDML Architecture			
Dwg No.	Rev	Name of Plan	Date
DA003	B	Site Masterplan	15/1/21
DA100	A	Site Demolition Plan B2	3/2/20
DA101	A	Site Demolition Plan B1	3/2/20
DA102	B	Site Demolition Plan L0 + above	11/2/2022
DA110	C	Proposed Site Plan B2	10/12/21
DA111	F	Proposed Site Plan B1	11/2/2022
DA112	G	Proposed Site Plan L0	11/2/2022
DA113	E	Proposed Site Roof Plan	11/2/2022
DA120	B	Proposed T&L Precinct Plan B1	16/12/21
DA121	C	Proposed T&L Precinct Plan L0	10/12/21
DA122	C	Proposed T&L Precinct Plan L1	10/12/21
DA123	D	Proposed T&L Precinct Plan L2	10/12/21
DA124	D	Proposed T&L Precinct Plan L3	10/12/21
DA125	D	Proposed T&L Precinct Plan L4	10/12/21
DA126	D	Proposed T&L Precinct Plan Roof Plan	16/11/21
DA130	C	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B2	10/12/21
DA131	E	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B1	11/2/2022
DA132	E	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L0	11/2/2022
DA133	B	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L1	24/8/2021
DA134	B	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L2	24/8/2021

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DA135	<b>B</b>	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L3	<b>24/8/2021</b>
DA140	E	Proposed Maintenance Plan B1	10/12/21
DA141	D	Proposed Maintenance Plan L0	16/11/21
DA142	C	Proposed Maintenance Plan L1	16/11/21
DA143	C	Proposed Maintenance Roof Plan	16/11/21
DA150	B	Proposed Oval 3 Car Park B2	16/11/21
DA151	<b>E</b>	Proposed Oval 3 Car Park B1	<b>27/4/22</b>
DA152	B	Proposed Oval 2 Car Park B1	16/11/21
DA153	<b>D</b>	Proposed Oval 2 L0	<b>11/2/22</b>
DA160	A	Schematic Bicycle Parking Plan	August 21
DA200	D	Streel Elevations 01,02	18/2/21
DA201	B	Streel Elevations 03,04	15/1/21
DA300	B	Site Sections AA, BB, GG	15/1/21
DA301	B	Site Sections CC, DD	15/1/21
DA302	D	Site Sections EE, FF	21/12/21
DA306	A	Building Elevations	28/8/20
DA307	A	Building Elevations	28/8/20
DA308	D	Building Elevations - Seaview Maintenance	16/11/21
DA309	C	Building Sections - Seaview Maintenance	16/11/21
DA320	B	Building Elevations	16/11/21
DA321	A	Building Elevations	24/8/21
DA322	B	Building Elevations	16/11/21
DA330	B	Site Sections AA	16/11/21
DA331	B	Site Sections BB	16/11/21
DA332	A	Site Sections CC	24/8/21
DA333	B	Site Sections DD	16/11/21
DA334	B	Site Sections EE	21/12/21
DA340	B	Jubilee Sections	21/12/21
DA501	A	Signage Location Plan	28/8/20
DA502	A	Signage Blade Wall	28/8/20
DA503	A	Lift Tower Signage	28/8/20
DA504	B	Scoreboard Signage	15/11/21
DA505	C	Prospect Road Signage	Not dated
DA506	A	Centenary Centre Signage	28/8/20
DA507	A	Seaview Maintenance Signage	28/8/20
DA600	A	Material's Board Western Facade	28/8/20
DA601	A	Material's Board Southern Facade	28/8/20
DA602	A	Material's Board Eastern Facade	28/8/20

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DA604	C	Material's Board Seaview Maintenance	24/2/21
<b>Landscape Plans prepared by <i>Arcadia Landscape Architecture</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
000	G	Coversheet	April 2022
100	G	Landscape Masterplan	April 2022
<b>101</b>	G	<b>Plan Index</b>	April 2022
200	G	Landscape Plan	April 2022
201	G	Landscape Plan	April 2022
202	G	Landscape Plan	April 2022
203	G	Landscape Plan	April 2022
204	G	Landscape Plan	April 2022
205	G	Landscape Plan	April 2022
206	G	Landscape Plan	April 2022
207	G	Landscape Plan	April 2022
601	E	Landscape Details and Specification	Dec 2021
L-650	A	Landscape Details – planting	24/8/21
634	-	Landscape Details – Jubilee Planter	Not dated

*Note: The plans referred to and modified in the table in condition B2 are the plans that have been approved by the Independent Planning Commission on 18 January 2022, upon satisfaction of the deferred commencement condition.*

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- B3. 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.
- B4. 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 B2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions B2(c) and B2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### Limits of Consent

- B5. This consent lapses five years after the date of consent unless work is physically commenced.

### Student Numbers

- B6. This development consent does not permit an increase in student and full time equivalent (FTE) staff numbers in attendance at any one time at Trinity Grammar School - Summer Hill campus (the site as identified in **Schedule 1**) until evidence of the following is provided to the satisfaction of the Planning Secretary:
- (a) the results of an independent audit, as described in condition B6;
  - (b) the Jubilee carpark and drop-off / pick-up facilities have been completed;
  - (c) all relevant approvals have been obtained in accordance with the plans approved by condition B2 and the conditions of this development consent; and
  - (d) all required external roadworks and public domain works detailed in the approved Supplementary Traffic Impact Assessment have been undertaken to the satisfaction of the appropriate roads authority as per conditions C14, F11 and F12.
- B7. Prior to each staged increase in student and staff numbers as described in the Staging Report in condition B12, the Applicant must submit to the satisfaction of the Planning Secretary the results of an independent audit to verify the performance of the Jubilee car park and the drop-off/ pick-up facilities. The independent audit must:
- (a) be prepared by a suitably qualified independent auditor, in consultation with an independent traffic consultant, as agreed by the Planning Secretary;
  - (b) conduct traffic surveys and compare the results against the traffic reports in the EIS to verify that the following operational outcomes have been achieved:
    - (i) the capacity of the Jubilee car park drop-off/ pick-up facilities can accommodate the pick-up/drop-off demand within the site during peak AM and PM periods;
    - (ii) the demand for queuing spaces at the Jubilee car park is accommodated within the site;
    - (iii) off-site impacts including but not limited to queuing on Victoria Street is minimised as far as practicable;
    - (iv) there is adequate capacity in the car park to accommodate an increase in vehicle movements as a result of the proposed staged increase in student numbers;
  - (c) be completed on three consecutive school days for the duration of the day when all grades (K-12) and students are planned to be on site and must state the student and staff numbers present on the data collection dates;

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B8. Subject to approval of the independent audits required in condition B7, a maximum of 2,100 students and 321 staff are permitted in attendance at any one time at the site.

### Prescribed Conditions

B9. 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

B10. 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.

### Evidence of Consultation

- B11. 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 as part of the submission of relevant documentation 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

- B12. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction 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).
- B13. A Staging Report prepared in accordance with condition B12 must:
- (a) be generally consistent with the staging plans submitted with the "Preliminary Construction Management Plan" submitted with the EIS;
  - (b) include staging of student numbers as per the submitted RtS;
  - (c) 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;
  - (d) set out how the operation of the whole of the project will be managed in stages including details of work and other activities to be carried out in each stage and the general timing of when relocating staff and students for each stage will commence and finish (if relevant);
  - (e) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (f) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- B14. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- B15. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent 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 as identified in the Staging Report.

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

B16. 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).

B17. Any strategy, plan or program prepared in accordance with condition B16, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

B18. 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.

B19. Updated strategies, plans (including management plan, architectural and associated consultants' plans), or programs approved by the Planning Secretary or consent authority, 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

B20. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA and any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

*Note: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development*

## External Walls and Cladding

B21. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## Applicability of Guidelines

B22. 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.

B23. 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

B24. 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.

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**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

- B25. 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 B2 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, and publicly available for 12 months after the commencement of operations.

## Compliance

- B26. The Applicant must ensure that all 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

- B27. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- B28. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

## Non-Compliance Notification

- B29. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- B30. 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.

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B31. 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

B32. Within three months of:

- (a) the submission of a compliance report under condition B34;
- (b) the submission of an incident report under condition B27;
- (c) the submission of an Independent Audit under condition E36;
- (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 B2 which requires a review,

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

B33. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

### Compliance Reporting

B34. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).

B35. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.

B36. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.

B37. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), 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.

### Temporary Building Installation

B38. The temporary building identified in the Preliminary Construction Management Plan (to be constructed in Stage 3 in the location of the Maintenance Building) is not approved as part of this application. A separate development application / complying development application and relevant approvals must be obtained prior to installation of this identified temporary building.

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## PART C PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### Bicycle Parking and End-of-trip facilities

- C1. Prior to the issue of any relevant construction certificate for secure bicycle parking and end of trip facilities, the following design details must be submitted to the Planning Secretary for approval:
- the provision of a minimum of 96 bicycle parking spaces generally consistent with DA160 Issue A Schematic Bicycle Parking Plan prepared by PMDL Architecture dated August 21;
  - compliance of the layout, design and security of bicycle facilities with the minimum requirements of *AS 2890.3:2015 Parking facilities - Bicycle parking*;
  - the provision of end-of-trip facilities for staff; and
  - the provision of appropriate pedestrian and cyclist advisory signs.

### External Walls and Cladding

- C2. Prior to the issue of any construction certificate, the Applicant must provide the Certifier 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 Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Operational Noise – Design of Mechanical Plant and Equipment

- C3. Prior to the issue of any relevant construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020.

### Operational Waste Storage and Processing

- C4. Prior to the issue of any relevant construction certificate for the operational waste storage and processing areas, 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 Certifier.

### Road Safety Audit – Jubilee Car park

- C5. Prior to the issue of any construction certificate for the Jubilee car park and drop-off/ pick-up facilities and bicycle parking facilities, a Road Safety Audit (RSA) must be undertaken:
- in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits;
  - by an independent TfNSW accredited road safety auditor;
  - at the intersection of the southern and northern access driveways and Victoria Street and for all vehicle movements associated with the use of the access driveways; and
  - considering vehicle and pedestrian safety in relation to any potential obstruction of sightlines from exiting vehicles to the existing substation, proposed exhaust stack and any proposed signage.
- C6. Appropriate road safety measures and/or traffic management measures (including, if necessary relocation of the substation) must be implemented based on the outcomes of the RSA in consultation with Council and any other relevant authorities in the final design plans prior to the issue of the construction certificate for the Jubilee car park.

## Road Safety Audit – Maintenance Building

- C7. Prior to the issue of any construction certificate for the Maintenance Building, a RSA must be undertaken:
- (a) in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits;
  - (b) by an independent TfNSW accredited road safety auditor; and
  - (c) at the intersection of the access to the Maintenance Building and Seaview Street for all vehicle movements associated with the use of the access.
- C8. Appropriate road safety measures and/or traffic management measures must be implemented based on the outcomes of the RSA in consultation with Council and any other relevant authorities prior to the issue of the occupation certificate for the Maintenance Building.

## Car Parking and Service Vehicle Layout

- C9. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
  - (b) a minimum of 28 drop-off/pick-up spaces are accommodated within the underground carpark;
  - (c) a minimum of 324 on-site, underground car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
  - (d) the swept path of the longest vehicle entering and exiting the site in association with all proposed works under this development consent, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2.

## Stormwater Management System

- C10. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS; and
  - (c) be in accordance with applicable Australian Standards and Councils requirements.

## Carpark Exhaust Stack

- C11. Prior to the issue of any relevant construction certificate for the basement carpark, the Applicant must submit amended design plans:
- (a) to include details of the car park exhaust stack location, consistent with *DA151 Issue A Proposed Oval 3 Car Park B1* prepared by PMDL Architecture dated 24/8/21;
  - (b) which demonstrate compliance with condition C5(d);
  - (c) to the satisfaction of the Planning Secretary.

## Public Domain Works

- C12. Prior to the issue of any relevant construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier 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 Certifier.

**Note:** Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

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## Roadworks and Access

C13. Prior to the issue of any relevant construction certificate for roadworks and access (if any), the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of the largest service vehicle.

*Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.*

## Roadworks and Pedestrian Access Improvements

C14. Prior to the issue of any relevant construction certificate for public domain works, footpath, vehicular crossings, external roadworks and pedestrian infrastructure, the Applicant must:

- (a) ensure that the design plans for the works on Prospect Road, Old Canterbury Road and Victoria Street are generally consistent with the concept plans listed below, unless otherwise agreed with the relevant public authority (Council or Transport for NSW):

<b>Civil Engineering Works prepared by Stantec</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
CI-EW-400-001	A	Prospect Road and Old Canterbury Road Intersection	16/7/21
CI-EW-400-011	B	Prospect Road Pedestrian Crossing	2/8/21
CI-EW-400-021	B	Victoria Street Crossing Realignment	16/8/21
CI-EW-400-031	B	Victoria Street Footpath Upgrade	2/8/21

- (b) prepare the plans in consultation with and to the satisfaction (where necessary) of the relevant roads authority (Council or Transport for NSW);
- (c) ensure that the realignment of the intersection of Prospect Road and Old Canterbury Road includes a dedicated left turn lane and a splitter island refuge compliant with the TfNSW refuge design directorate (minimum 2m wide X minimum 3m long), unless otherwise agreed with the relevant roads authority; and
- (d) provide details of the following works including (but not limited to):
- (i) details of the extent of 'No Stopping' restrictions according to TfNSW crossing design directorate; and
- (ii) all necessary regulatory and warning signs and markings in association with the upgrade of the crossing at Prospect Road and Old Canterbury Road.

C15. Separate construction certificate applications under the *Roads Act 1993* are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain including works required by condition C12. The Applicant must provide a copy of the documents approved by the relevant roads authority to the Certifier and the Planning Secretary for information.

## All Abilities Access

C16. Prior to the issue of a construction certificate, the Applicant must provide evidence to the Certifier from an appropriately qualified person, that the works that are the subject of this development are designed to provide access and facilities for people with a disability, in accordance with the BCA and all other relevant codes. Prior to the issue of a construction certificate the Applicant must submit updated plans that include the requirements referenced to the satisfaction of the Certifier.

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## PART D PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- D1. The Applicant must notify the Planning Secretary and Council in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- D2. If the construction or operation of the development is to be staged, the Planning Secretary and Council 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

- D3. Prior to the commencement of any construction stage, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### Pre-Construction Dilapidation Report

- D4. Prior to the commencement of any construction stage, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of all adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works.

### Protection of Public Infrastructure

- D5. Prior to commencement of any construction stage, the Applicant must:
- 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;
  - prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

### Community Consultative Committee

- D6. Prior to the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guideline: State Significant Projects (2019)*. The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for a minimum of five years following the completion of construction or other timeframe agreed by the Planning Secretary.

#### Notes:

- The CCC is an advisory committee only.*
- In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

### Community Communication Strategy

- D7. No later than four weeks before the commencement of any construction stage, a Community Communication Strategy must be submitted to the Planning Secretary for approval and approved by the Planning Secretary prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected residents and businesses, and others directly impacted by the development), during the design and construction of the development.

The Community Communication Strategy must:

- identify relevant stakeholders to be consulted during the design and construction phases;
- set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

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- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) develop a complaints/grievance mechanism:
  - (i) through which the community can provide feedback to the Applicant and report any complaints;
  - (ii) through which the Applicant will respond to enquiries, complaints or feedback; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction of the development.
- (e) include specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination and heritage.

## Demolition

- D8. Prior to the commencement of demolition, a demolition work plan 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 Certifier.

## Ecologically Sustainable Development

- D9. Prior to the commencement of any construction stage, 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 Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

## Outdoor Lighting

- D10. Prior to commencement of any relevant construction stage, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting in relation to that stage has been designed to comply with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
- D11. No flood lighting is permissible on site, unless approved by the Planning Secretary.

## Environmental Management Plan Requirements

- D12. Prior to the commencement of construction, management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

**Note:** The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

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

## Construction Environmental Management Plan

- D13. Prior to the commencement of any construction stage, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the Certifier and provide a copy to the Planning Secretary. The CEMP must be consistent with the Preliminary Construction Management Plan submitted with the EIS and 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;

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- (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 (condition D15);
  - (c) Construction Noise and Vibration Management Sub-Plan (condition D16);
  - (d) Construction Soil and Water Management Sub-Plan (condition D18);
  - (e) Construction Waste Management Sub-Plan (condition D17);
  - (f) an unexpected finds protocol for contamination and associated communications procedure; and
  - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.
- D14. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- D15. The 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, TfNSW and the CCC;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (d) incorporate the measures outlined in the Construction Traffic Management Plan framework submitted with the EIS;
  - (e) incorporate measures to minimise conflicts between the construction vehicles and ongoing operations of the school including student safety during construction periods, details of equitable, all abilities access within the site;
  - (f) details of alternate drop-off / pick-up and car parking arrangements during ongoing construction works within the Jubilee car park;
  - (g) details of alternate parking arrangements (if needed) for the staff and driving age students, during ongoing construction works within the basement (where relevant);
  - (h) details of on-site parking for construction vehicles and work zones on the surrounding streets, where needed and in consultation with Council; and
  - (i) detail heavy vehicle routes, access and parking arrangements for heavy construction vehicles.
- D16. 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) incorporate the acoustic mitigation measures recommended in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020, and where appropriate incorporate the provision of hoardings to minimise impacts;
  - (d) assess the vibration impacts and detail the vibration management measures and strategies including ensuring safe working distances for vibration intensive plant outlined in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020;

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- (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to Sensitive receivers;
  - (f) include strategies that have been developed with the community for managing high noise generating works;
  - (g) describe the community consultation undertaken to develop the strategies in condition D16(f);
  - (h) describe the methods of managing noise within the site when construction works are ongoing with school operations to ensure appropriate acoustic amenity of the students and staff of the school;
  - (i) describe the scheduling of high noise generating works within the site to ensure acoustic amenity of the students (such as scheduling construction works outside of the exam times);
  - (j) include a complaints management system to be implemented for the duration of construction; and
  - (k) 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 D16(d).
- D17. The Construction Waste Management Sub-Plan (CWMSMP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
  - (b) information regarding the recycling and disposal locations; and
  - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- D18. The Construction Soil and Water Management Plan (CSWMSP) 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, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) provide a plan of how all construction works will be managed in wet-weather events (i.e. storage of equipment, stabilisation of the site);
  - (d) detail all off-site flows from the site; and
  - (e) 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.
- D19. 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.

### Unexpected Contamination Procedure

- D20. 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 and where any material identified

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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.

### **Soil and Water**

- D21. Prior to the commencement of any construction stage, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

### **Construction Worker Transportation Strategy**

- D22. Prior to the commencement of construction, the Applicant must prepare and implement a Construction Worker Transportation Strategy (CWTS) in consultation with Council, to the satisfaction of the Planning Secretary. The CWTS must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for construction worker parking in nearby public and residential streets or public parking facilities.

FOR INFORMATION

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## PART E DURING CONSTRUCTION

### Site Notice

- E1. Site notice(s):
- must be prominently displayed at all street boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer;
  - must have minimum dimensions of 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - must be durable and weatherproof and is to be displayed throughout each stage of the works;
  - must include 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
  - must 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

- E2. 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

- E3. 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 D8.

### Construction Hours

- E4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- between 7am and 5pm, Mondays to Fridays inclusive;
  - between 8am and 1pm, Saturdays; and
  - no work may be carried out on Sundays or public holidays.
- E5. Construction activities may be undertaken outside of the hours in condition E4 if required:
- by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - where the works are inaudible at the nearest sensitive receivers; or
  - where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- E6. Notification of such construction activities as referenced in condition E5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- E7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- 9am to 12pm, Monday to Friday;
  - 2pm to 5pm Monday to Friday; and
  - 9am to 12pm, Saturday.

### Implementation of Management Plans

- E8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

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## Construction Traffic

- E9. 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 and exit the site in a forward manner. The site personnel vehicles are to be managed in accordance with the Construction Worker Transportation Strategy.

## Hoarding Requirements

- E10. 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

- E11. 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

- E12. 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 CNVMSP.
- E13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition E4.
- E14. 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

- E15. 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).
- E16. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition E15.
- E17. The limits in conditions E15 and E16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition D13 of this consent.

## Tree Protection

- E18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all street trees immediately adjacent to the property boundaries 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;

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- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment* prepared by Australis and dated 14 October 2020; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

### Air Quality

- E19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- E20. 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

- E21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

### Imported Soil

- E22. 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 Certifier upon request.

### Disposal of Seepage and Stormwater

- E23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

### Emergency Management

- E24. 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.

### Unexpected Finds Protocol – Aboriginal Heritage

- E25. In the event that surface or sub surface disturbance identifies evidence of Aboriginal occupation including carvings and grinding marks and Aboriginal objects, all works must halt in the immediate area to prevent any further impacts to the object(s) or features. A suitably qualified archaeologist and the registered Aboriginal parties (RAPs) must be contacted to determine the significance of the objects or other evidence of occupation. The objects are to remain in situ whilst this advice is sought. 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 long term conservation and management strategies for all objects/sites. Works must

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only recommence with the written approval of Planning Secretary following consultation with Heritage NSW.

- E26. A summary of the unexpected finds that relate to Aboriginal Heritage, including photographs, must be included in an Archival Record.

## Unexpected Finds Protocol – Historic Heritage

- E27. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Planning Secretary following consultation with Heritage NSW.

## Consultation with RAPs

- E28. The Applicant must consult with the relevant Registered Aboriginal Parties (RAPs) throughout the construction phase with ongoing communication about the project and key milestones and ensure that the consultation process does not lapse, particularly with regard to consultation should the Unexpected Finds Protocol be enacted.

## Waste Storage and Processing

- E29. All waste generated during construction must be secured and maintained within designated waste storage areas on the site at all times.
- E30. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- E31. 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.
- E32. 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.
- E33. 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

- E34. 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 in consultation with the CCC.

## Independent Environmental Audit

- E35. An independent auditor 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.
- E36. 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. 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.
- E37. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- E38. 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 week's notice to the applicant of the date or timing upon which the audit must be commenced.
- E39. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition E36 of this consent;

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- (b) submit the response to the Planning Secretary and the Certifier; and
- (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.

E40. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.

E41. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

### **Historic Heritage**

E42. No item of heritage significance within the site must be damaged or altered during construction works, unless permitted by this development consent.

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## PART F PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION

### Notification of Occupation

- F1. At least one month before the issue of the occupation certificate of any construction stage, 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

- F2. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA and any other relevant code.
- F3. The Applicant must provide a copy of the documentation given to the Certifier and to the Planning Secretary within seven days after the Certifier accepts it.

### Post-construction Dilapidation Report

- F4. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) to be forwarded to Council for information.

### Protection of Public Infrastructure

- F5. 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

- F6. 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

- F7. Prior to issue of the occupation certificate of any relevant construction stage, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### Roadworks and Access

- F8. Prior to the issue of the occupation certificate of any relevant construction stage where roadworks is proposed, the Applicant must provide evidence to the satisfaction of the Certifier that:

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- (a) all external roadworks, footpath and pedestrian infrastructure required by condition C14 have been completed; and
- (b) all necessary approvals from the public authorities have been obtained.

### Works as Executed Plans

- F9. Prior to the issue of the occupation certificate of any relevant construction stage, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

### Development Contributions

- F10. Prior to issue of any occupation certificate (not including demolition), Section 7.11 contributions totalling \$238,384.96 (as indexed) are to be paid to Council in accordance with Section 7.11 of the EP&A Act and Ashfield Council S94A Development Contributions Plan. Prior to payment Council can provide the value of the indexed levy.

### Green Travel Plan

- F11. Prior to the issue of any occupation certificate, 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 Inner West Council and (Sydney Coordination Office) Transport for NSW;
  - (b) be updated prior to each staged increase in students and/or staff numbers;
  - (c) include objectives and mode 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;
  - (d) include specific tools and actions to help achieve the objectives and mode share targets;
  - (e) include details to demonstrate how bus services would be increased and accommodated to satisfy the additional demand likely to be generated by additional students;
  - (f) include additional bicycle provisions as per the approved plans listed in condition C1;
  - (g) 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
  - (h) 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)

- F12. Prior to the issue of the occupation certificate for the proposed carpark and / or drop-off / pick-up facilities, an OTAMP must be prepared by a suitably qualified person, in consultation with Council, TfNSW and the CCC, 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 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 campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (c) operational management procedures of the drop-off / pick-up parking located within the site, and external road access management to/from the carpark including staff management/traffic controller arrangements;

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- (d) the location and operational management procedures for the drop-off / pick-up of students by buses and coaches before and after school, for excursions and sporting activities, including staff management/traffic controller arrangements;
- (e) delivery and service vehicle and bus access and management arrangements;
- (f) management of approved access arrangements;
- (g) clear separation between students/staff and maintenance vehicles (including electric vehicles);
- (h) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off / pick-up parking;
- (i) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (j) a monitoring and review program.

### Mechanical Ventilation

F13. Prior to commencement of operation of any relevant construction stage, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

### Operational Noise

F14. Prior to the issue of the occupation certificate of any relevant construction stage, a suitably qualified acoustic consultant must certify that the noise mitigation recommendations in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020 and as required by condition C3 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the report. The certification must:

- (a) confirm that any new equipment or extension of the existing public address system comply with a criteria of not exceeding background noise of 5dB(a); and
- (b) confirm that the noise generated by the use of the Multi-Purpose Pavilion will not exceed background noise levels at affected residential receivers by more than 5 dBA.
- (c) be submitted to the Certifier for information.

### Operational Noise Management Plan (ONMP)

F15. Prior to the issue of the occupation certification of any relevant construction stage, the Applicant must submit an ONMP to the satisfaction of the Certifier or update any existing ONMP for the school to the satisfaction of the Certifier. The new or updated ONMP must include:

- (a) details to restrict the use of the new Junior School play area adjacent to Seaview Street for free play to 80 students during lunch and recess breaks;
- (b) details restricting the use of the Multi-Purpose Pavilion to only between 7am – 6pm, as per the recommendations in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020; and
- (c) measures to restrict noise emissions from the Multi-Purpose Pavilion during performances to ensure compliance with the operational noise criteria in condition F16 including requirements for windows to be closed during noisy activities within the Multi-Purpose Pavilion.

### Car Parking, Service Vehicles and Bicycle Parking Arrangements

F16. Prior to the issue of the occupation certificate of any relevant construction stage, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:

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- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with condition C1 and condition C9;
- (b) appropriate pedestrian and cyclist advisory signs have been provided;
- (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority; and
- (d) end-of-trip facilities for staff are provided.

### Road Damage

F17. Prior to the issue of the occupation certificate of any relevant construction stage, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

### Fire Safety Certification

F18. Prior to the issue of the occupation certificate of any relevant construction stage, 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

F19. Prior to the issue of the occupation certificate for 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 Certifier. 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 Certifier is satisfied that the structural works are 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.

### Compliance with Food Code

F20. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

### Stormwater Quality Management Plan

F21. Prior to the issue of the occupation certificate of any relevant construction stage, an Operation and Maintenance Plan is to be submitted to the satisfaction of the Certifier. The plan 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.

### Warm Water Systems and Cooling Systems

F22. 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.

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## Outdoor Lighting

- F23. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## Signage

- F24. Prior to the issue of the occupation certificate of any relevant construction stage, way-finding signage and signage identifying the location of staff car parking must be installed.
- F25. Prior to the issue of the occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- F26. Prior to issue of an occupation certificate, the approved LED signs must:
- (a) be installed directed away from adjoining residential properties with a timed intensity and illumination adjuster;
  - (b) not operate beyond 10pm;
  - (c) not dazzle or distract drivers due to their colouring;
  - (d) not display advertising or messages which contain fully animated or video/movie style advertising or images; and
  - (e) not be used for any live television, satellite, internet or similar broadcast.
- F27. Prior to the issue of the occupation certificate for the relevant construction stage incorporating the signage, the Applicant must demonstrate to the satisfaction of the Certifier that no signage incorporates any speakers.

## Operational Waste Management Plan

- F28. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational 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 EIS Appendix 33.

## Landscaping

- F29. Prior to the issue of the occupation certificate of any construction stage, the Applicant must provide suitable evidence to the Certifier that the landscaping of the site has been completed in accordance with landscape plan(s) approved under condition **B2**.
- F30. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the landscaping on-site, to the satisfaction of the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage the landscaping;
  - (b) include a replanting programme where the landscaping fails to establish; and
  - (c) be consistent with the Applicant's Management and Mitigation Measures at EIS in Part J.

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F31. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the satisfaction of the Certifier.

### Service Vehicle Management Plan

- F32. Prior to the issue of the occupation certificate of any construction stage, the Applicant must prepare a Service Vehicle Management Plan for the development and submit it to the satisfaction of the Certifier. The Service Vehicle Management Plan must:
- (a) detail the times and frequency of the service vehicles would enter and exit the site and with times not to conflict with the student drop-off/pick-up times;
  - (b) outline restrictions to vehicle turning movements on Victoria Street;
  - (c) identify size and type of service vehicles accessing the Seaview Street delivery area; and
  - (d) outline management measures to (such as alarms etc) to ensure that the acoustic amenity of the neighbourhood at Seaview Street is maintained.

### Planting in Yeo Park

- F33. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must provide additional canopy trees along the northern boundary of Yeo Park in consultation with Council, to assist with screening the visual of the Multi-Purpose Pavilion (identified in Landscape Plan 200 and 203 (issue G) prepared by Arcadia Landscape Architecture dated April 2022). A copy of the consultation with the Council must be provided to the Planning Secretary prior to landscaping commencing.
- F34. The trees required in condition F33 must be at least 100 litres in pot size (unless otherwise agreed to by Council), shall be at the Applicant's cost and the Applicant is required to plant them. The trees must be maintained by the Applicant for a period of 12 months after planting. If the trees are damaged, stolen or perish within this 12 month period then the Applicant must replace them like for like. Following the end of the 12 month period ownership and maintenance of the trees reverts to Council.

### Seaview Street - Street Tree Planting

- F35. The Applicant must use its best endeavours to liaise with Council with respect to the replacement of tree(s) in Council's street verge in front of 46 – 52 Seaview Street. The species, pot size and spacing of the trees are to be determined in consultation with Council and be installed at the Applicant's expense. The trees must be maintained by the Applicant for a period of 12 months after planting. If the trees are damaged, stolen or perish within this 12 month period then the Applicant must replace them like for like. Following the end of the 12 month period ownership and maintenance of the trees reverts to Council.

### Conservation Management Plan

- F36. Prior to the issue of the occupation certificate of any relevant construction stage, a detailed Conservation Management Plan (CMP) must be prepared by a suitably qualified heritage consultant, to the satisfaction of the Planning Secretary. The CMP must:
- (a) be prepared in consultation with Council;
  - (b) include details of options for the conservation and ongoing management of the Headmaster's House, Chapel, Quadrangle setting, Dining Hall and North Quad Building; and
  - (c) include details of the buildings that contribute to the Quadrangle space.

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## PART G POST OCCUPATION

### Out of Hours Event Management Plan

- G1. This consent does not approve any out-of-hours events apart from the existing events and uses within the site in accordance with Appendix J to the RtS – Amended Schedule of Uses titled “Trinity Grammar School – Summer Hill Campus - Indicative Usage of Facilities as at 24/10/2019”.
- G2. The use of the Multi-Purpose Pavilion is only allowed between 7am – 6pm, as per the recommendations of *Noise and Impact Assessment* prepared by SLR dated 4 February 2020.
- G3. This consent does not approve any out-of-school hours events to use the T&L terrace, including weekends.

### Operation of Plant and Equipment

- G4. 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

- G5. 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

- G6. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of all approved construction.

### Operational Transport and Access Management Plan

- G7. The OTAMP approved under condition F12 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### Operational Noise Limits and Noise Management

- G8. The Applicant must ensure that noise generated by operation of the School does not exceed the Site-specific noise criteria as established in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020.
- G9. The Applicant must ensure that noise from the activities within the site due to the facilities approved by this development consent, are managed in accordance with the ONMP required by this development consent.
- G10. The Applicant must ensure that the noise from the Public Address System and the School Bell would not exceed background noise levels at affected residential receivers by more than 5 dBA.
- G11. The Applicant must ensure that the noise from the use of the Multi-Purpose Pavilion does not exceed background noise levels at affected residential receivers by more than 5 dBA.
- G12. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement of use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020 and the criteria in condition F15.
- G13. Should the noise monitoring program in condition G12 identify any exceedance of the recommended noise levels, the Applicant must implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

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## **Unobstructed Driveways and Parking Areas**

G14. 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**

G15. The Green Travel Plan required by condition F11 of this consent must be updated annually and implemented by the Applicant for the life of the development unless otherwise agreed by the Planning Secretary.

## **Ecologically Sustainable Development**

G16. 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 Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition D9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

## **Outdoor Lighting**

G17. Notwithstanding condition F23, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

## **Landscaping**

G18. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition F30 for the duration of occupation of the development.

## **Student numbers**

G19. The Applicant must maintain a student attendance register for the period of 4 years after 2100 students has been reached. The student attendance register must be submitted annually to the Planning Secretary demonstrating that the development does not exceed the 2100 students on Trinity Grammar School - Summer Hill campus site on any given day.

## APPENDIX 1 ADVISORY NOTES

### General

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

### Long Service Levy

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

### Legal Notices

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

### Access for People with Disabilities

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

AN5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

### Utilities and Services

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 and Traffic Facilities

AN8. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (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.

### Road Occupancy Licence

AN9. 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

AN10. 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

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

### Handling of Asbestos

AN12. 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.

### **Fire Safety Certificate**

AN13. 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.

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## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition B26 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.