

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

David Gainsford

Executive Director

Infrastructure Assessments

Sydney

2 September 2020

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.

SCHEDULE 1

Application Number:	SSD 10380
Applicant:	Richard Gill School
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 2 DP1118310 155-157 Maitland Street Muswellbrook
Development:	<p>Use of the existing Muswellbrook Shire Council administrative building as a new school (Richard Gill School) for up to 70 students (Kindergarten – Year 6) and five full time teaching staff members and four full time equivalent staff positions for teaching and administrative purposes staff members, and associated works comprising:</p> <ul style="list-style-type: none">• internal alterations to the existing building to create general learning areas, library, multi-purpose hall and other administrative areas;• minor external alterations to provide door and window openings;• provision of a new playground and tree removal;• internal drop-off and pick-up zone with a mini-bus parking area;• staff car parking area;• hard surface sports court; and• security fencing.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10380-Mod-1	Withdrawn January 2021	N/A	N/A
SSD-10380-Mod-2	13 May 2021	Team Leader, School Infrastructure Assessments	Amendment to subclause (e) of Condition E13 to remove reference to the Australian Standards for accessible car parking spaces (AS 2890.6).
SSD-10380-Mod-3	22 January 2024	Team Leader, School Infrastructure Assessments	Amendment to increase maximum student numbers.
SSD-10380-Mod-4	31 July 2025	Team Leader, School Infrastructure Assessments	Minor amendment for administrative clarification in regard to student and staff numbers.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Richard Gill School or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certifier	Means a council or accredited certifier
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development including earthworks, erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	Muswellbrook Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings or part of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising occupation of an existing building for the purpose of Richard Gill School with associated landscaping works as

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	modified by the conditions of this consent.
Development area	The portion of the site to the north of the rock wall marked as the 'school boundary' within DA03 Rev B listed in condition A2 and the EIS.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement for Richard Gill School</i> , prepared by HDB dated May 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
ENM	Excavated Natural Material
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	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 Heritage Act 1977 (NSW), a state agency heritage and conservation register under section 170 of the Heritage Act 1977 (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), and an "Aboriginal object" or "Aboriginal place" as defined in section 5 of the National Parks and Wildlife Act 1974 (NSW).
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Section 7 of the EIS.
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on

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	Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OMP	Operational Management Plan
OTAMP	Operational Traffic and Access Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
School	Richard Gill School
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2**PART A ADMINISTRATIVE CONDITIONS****Obligation to Minimise Harm to the Environment**

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS and Response to Submissions, [SSD-10380-Mod-2](#), [SSD-10380-Mod-3](#), and [SSD-10380-Mod-4](#);
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by Stanton Dahl Architects			
Dwg No.	Rev	Name of Plan	Date
DA03	B	Site and External Works Plan	5/08/2020
DA05	A	Demolition Plan	5/08/2020
DA05	2	Proposed Additional Works Plan	25/10/23
DA06	2	Roof Plan	25/10/23
DA07	2	Elevations and Section	25/10/23
Landscape Plans prepared by Moir			
Dwg No.	Rev	Name of Plan	Date
LP02	B	Landscape Plan	8/05/2020
LP03	B	Landscape Plan Detail	8/05/2020
LP04	B	Theming Palette	8/05/2020

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.

Student and staff numbers

- A6. This consent permits a maximum of **70 and five full time teaching staff members and four full time equivalent staff positions for teaching and administrative purposes** students in the Richard Gill School.

Prescribed Conditions

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

- A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Evidence of Consultation

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Structural Adequacy

- A10. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

External Walls and Cladding

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

Applicability of Guidelines

- A12. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A13. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A14. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Access to Information

- A15. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance

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

Incident Notification, Reporting and Response

- A17. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A18. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- A19. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A20. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A21. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A22. Within three months of:
- (a) the submission of an incident report under condition A17;
 - (b) the submission of a Compliance Report under condition A24;
 - (c) the approval of any modification of the conditions of this consent; or

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

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

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

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

Compliance reporting

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

Stormwater management

- A25. This consent does not permit any additional stormwater management works. The stormwater discharged from the development area must not impact on the stormwater drainage system within Maitland Street / New England Highway.

Use of the land

- A26. This consent does not permit the use of the section of the site outside the area marked as school boundary in DA03 Rev B listed in condition A2, for the purpose of a playground or any other functions of the school, except for the access driveway and the staff carpark.

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Landscaping and fencing works

- B1. Prior to the issue of the construction certificate for the landscaping and fencing works, detailed plans of the following must be submitted to the Certifier for approval:
- (a) all landscaped works and play equipment in the designated open space area; and
 - (b) details of the proposed fencing.

Design plans for alterations to the existing building

- B2. Prior to the issue of the construction certificate for the proposed alterations works to the existing building, detailed design plans must be submitted to the Certifier for approval.

PART C PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.

Development Contributions

- C2. Prior to commencement of works (not including demolition), a Section 7.12 levy totalling \$4907.84 (as indexed), is to be paid to Council in accordance with Section 7.12 of the EP&A Act and Muswellbrook Shire Section 94A Development Contributions Plan 2010. Prior to payment Council can provide the value of the indexed levy.

Protection of Public Infrastructure

- C3. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Ecologically Sustainable Development

- C4. Prior to the commencement of construction, the Applicant must provide details to the satisfaction of the Certifier and provide a copy to the Planning Secretary for information, of ecologically sustainable development (ESD) measures implemented on the site, including but not limited to the installation of energy efficient lighting and water efficient fixtures and lighting.

Outdoor Lighting

- C5. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the development area and the staff carpark entrance driveway has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Drive Code of Conduct

- C6. 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.

Soil and Water

- C7. Prior to the commencement of construction, the Applicant must install erosion and sediment controls on the development area to manage wet weather events in accordance with the plans listed in condition A2 and the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

Construction Parking

- C8. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel.

Operational Noise – Design of Mechanical Plant and Equipment

- C9. Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the "Noise and Vibration Assessment Report" prepared by EMM dated May 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 Vibration Assessment Report*” prepared by EMM dated May 2020.

Line marking and signage for the access driveway

- C10. Prior to the commencement of construction, the Applicant must submit the following design plan for signage and line marking at the intersection of the entrance driveway and Maitland Street to the relevant roads authority (Council or TfNSW as relevant), to ensure that the safety of this intersection is improved:
- (a) provisions for a give way sign at the vehicular crossing (r1-2) of the driveway and Maitland Street;
 - (b) provision for a give way line (TB line); and
 - (c) provision for a double dividing line (BB line).

Note: A separate construction certificate application(s) under section 138 of the Roads Act 1993, are required to be submitted with relevant roads authority (Council or Transport for New South Wales (TfNSW) where applicable) to obtain approval for the signage and line marking outside the boundary of the site.

Construction Noise and Vibration Management Plan

- C11. Prior to the commencement of construction, a Construction Noise and Vibration Management Plan (CNVMP) must be prepared and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA’s *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) include the noise management levels (NMLs) specified in the “*Noise and Vibration Assessment Report*” prepared by EMM dated May 2020;
 - (d) include details of procedures to be maintained to ensure the construction works comply with the NMLs;
 - (e) identify the construction works, the predicted noise levels of which exceed the specified NMLs;
 - (f) include the noise mitigation measures specified in the “*Noise and Vibration Assessment Report*” prepared by EMM dated May 2020, that would be implemented to manage the construction works in C11(e);
 - (g) include details of communication strategies with the surrounding community that would be undertaken to ensure the effectiveness of the mitigation measures in C11(g);
 - (h) include details of the proposed construction hours of specific works that would exceed the NMLs and the methods of community consultation undertaken to finalise these construction hours;
 - (i) include a complaints management system that would be implemented for the duration of the construction; and
 - (j) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures required by C11(f).

Unexpected Contamination Procedure

- C12. Prior to the commencement of earthworks for the playground and landscaping works, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed.

Use of the site as a Council building

- C13. The building must be vacant and the use of the building for Council’s administration purposes must cease prior to the commencement of works.

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001).

Construction Hours

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D6. Notification of such construction activities as referenced in condition D5 must be given to affected residents at least 24 hours before undertaking the activities or as soon as is practical afterwards.
- D7. The construction hours of intensive construction activities that exceed the NMLs for the site must be undertaken within the recommended hours in the CNVMP, in consultation with the surrounding residents.

Construction commencement

- D8. Written confirmation of the date of commencement of construction must be provided to the Department within 2 days of construction commencing.

Construction Traffic and Pedestrian Management

- D9. All construction vehicles, including site personnel vehicles, are to be contained wholly within the site and vehicles must enter the site before stopping.

- D10. All construction vehicles are to enter and exit the site in a forward direction.
- D11. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.
- D12. Vehicular and pedestrian access to the childcare centre must be maintained at all times during construction works.

Hoarding Requirements

- D13. 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.

Construction Noise Limits

- D14. All noise generated by the construction works must be managed as detailed in the CNVMP.
- D15. The Applicant must ensure construction vehicles do not arrive at the site or surrounding residential streets outside of the construction hours of work outlined under condition D4.
- D16. 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

- D17. 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).
- D18. Vibratory compactors (if used) must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D17.

Tree Protection

- D19. All trees on the site, except for the tree that is proposed for removal and identified in the plans listed in Condition A2, must be protected during construction works.
- D20. For the duration of any construction works proposed to take place within the tree protection zone (TPZ) of all trees within the development area, suitable protection measure must be implemented during construction in accordance with AS 4970-2009: *Protection of Trees on Development Sites*.

Air Quality

- D21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D22. 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

- D23. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Imported Soil

- D24. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site (where applicable);
 - (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

- D25. 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.

Unexpected Finds Protocol – Aboriginal Heritage

- D26. In the event that surface disturbance identifies an Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

Unexpected Finds Protocol – Historic Heritage

- D27. 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 Heritage NSW.

Unexpected Contamination Procedure

- D28. The Applicant must comply with the Unexpected Contamination Finds Protocol required by condition C12, during the construction works.

Waste Storage and Processing

- D29. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D30. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D31. 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.
- D32. 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.
- D33. 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.

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Outdoor Lighting

D34. The Applicant must ensure that all external operational lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

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PART E PRIOR TO COMMENCEMENT OF OPERATION**Notification of Occupation**

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

Operational Transport and Access Management Plan (OTAMP)

- E2. Prior to the commencement of operation, an OTAMP is to be prepared by a suitably qualified person to the satisfaction of the Certifier, in consultation with Council and TfNSW, and a copy provided to the Planning Secretary for information. The OTAMP must address the following:
- (a) pedestrian analysis, including the identification of safe route option, that identifies the need for management measures to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
 - (b) the location of all car parking spaces on the site (except the childcare centre) and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
 - (c) the location and operational management procedures of drop-off and pick-up parking;
 - (d) the location and operational management procedures for the drop-off and pick-up of students by buses and coaches for excursions and sporting activities;
 - (e) delivery and services vehicle management arrangements (ensuring access outside the school peak hours);
 - (f) management of approved access arrangements;
 - (g) arrangements to ensure that access to the site by students and staff are restricted to Maitland Street and Eucalypt Avenue and that no access is permitted from:
 - (i) the informal stairs along the rock wall to the south of the basketball court; and
 - (ii) Eurabbie Avenue.
 - (h) arrangements to ensure that the staff carpark accessed from Eucalypt Avenue is not utilised by parents to drop-off and pick-up of students;
 - (i) arrangements to ensure that the car parking adjoining the childcare centre is not utilised by the school staff or students;
 - (j) arrangements to manage the security gates to ensure that the hard-paved basketball court is used as a play area safely by the students and as a car parking area only during school events;
 - (k) arrangements to restrict access to the rear of the site above the rock-wall to staff and contractors as required; and
 - (l) a monitoring and review program.

Operational Community Communication Strategy

- E3. Prior to the commencement of operation, an Operational Community Communication Strategy must be submitted to 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 landowners and businesses, and others directly impacted by the development), during the operation of the development. The Operational Community Communication Strategy must:
- (a) set out procedures and mechanisms for ongoing engagement with the community;
 - (b) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant, including the details of the relevant contacts;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community;

- (iii) to resolve any issues and mediate any disputes that may arise in relation to operation of the development, including disputes regarding rectification or compensation.
- (c) identify how complaints will be considered, managed and escalated; and
- (d) include any specific requirements around traffic, noise and amenity.

Noise Assessment

- E4. Prior to the commencement of operation, a report must be submitted to the satisfaction of the Certifier and a copy provided to TfNSW, and the Planning Secretary, which demonstrates that the completed development meets the requirements of the State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning and Infrastructure's Development Assessment Guideline titled "*Development Near Rail Corridors and Busy Roads – Interim Guidelines*". The report must include the identification of external and internal noise levels that are representative of the typical maximum levels that may occur at this development and a conclusion as to whether the internal noise levels meet the required dB(A) levels as identified in the "*Noise and Vibration Assessment Report*" prepared by EMM dated May 2020. Where it is found that internal noise levels are greater than the required dB(A) level, corrective measures must be identified to ensure that internal noise levels are compliant with the requirements of the Guideline.
- E5. Prior to the commencement of operation, any corrective measures identified in Condition E4 must be implemented to the satisfaction of the Certifier.

Operational Noise Management Plan

- E6. Prior to the commencement of operation, an Operational Noise Management Plan must be submitted to the satisfaction of the Certifier, and a copy provided to the Planning Secretary and Council. The Plan must include but not be limited to:
- (a) arrangements for the management of staff and students that includes measures to minimise noise impacts on any sensitive residential receivers;
 - (b) set out arrangements for the management and monitoring of the use of outdoor student areas;
 - (c) include a complaints management procedure to provide for the registration and of, and response to, complaints; and
 - (d) the annual monitoring and review of the Operational Noise Management Plan, with a copy of the review and any revised Operational Noise Management Plan to be provided to the Planning Secretary and Council.

Protection of Public Infrastructure

- E7. 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 construction of 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.

Protection of Property

- E8. 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.

School Zones

- E9. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along Maitland Street must be installed, inspected by TfNSW and handed over to TfNSW.

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

- E10. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

Mechanical Ventilation

- E11. Prior to commencement of operation, 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 – Design of Mechanical Plant and Equipment

- E12. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the “*Noise and Vibration Assessment Report*” prepared by EMM dated May 2020 been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

Car Parking and Bicycle-Parking Arrangements

- E13. Prior to the commencement of operation, or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Certifier that demonstrates that:
- (a) appropriate line-marking and wayfinding-signage has been included to identify the:
 - (i) drop-off and pick-up zone with appropriate parking restrictions;
 - (ii) staff and visitor car parking areas;
 - (iii) mini-bus parking, coach parking areas; and
 - (iv) overflow car parking area at the rear of the existing building.
 - (b) bollard(s) have placed in the shared space of the disabled parking space(s) in accordance with *AS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities*;
 - (c) all vehicles can enter and leave the site in a forward direction;
 - (d) a minimum of 14 on-site car parking spaces for use by staff during operation of the development has been provided;
 - (e) the car parking area with 35 car spaces are provided in the drop-off and pick-up zone and includes two disabled parking spaces ~~in accordance with AS 2890.6~~;
 - (f) the swept path of the longest vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of *AS 2890.2*; and
 - (g) a minimum of three staff and visitor/student bicycle parking spaces are provided;
 - (h) the layout, design and security of bicycle facilities comply with the minimum requirements of the latest version of *AS 2890.3:2015 Parking facilities - Bicycle parking*, and are located in easy to access, well-lit areas that incorporate passive surveillance; and
 - (i) appropriate pedestrian and cyclist advisory signs are provided.

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Road Damage

- E14. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

Fire Safety Certification

- E15. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- E16. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the 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 is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Warm Water Systems and Cooling Systems

- E17. The installation of any warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

- E18. Prior to the commencement of operation, 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.

Operational Waste Management Plan

- E19. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated within the development area, 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); and
 - (c) detail the materials to be reused or recycled, either on or off site.
- E20. Prior to the commencement of operation, the Applicant must ensure that the designated waste storage area for the school is constructed as per the plans listed in condition A2.

Site Audit Statement

- E21. Prior to the commencement of operation, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site (the development area) prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for use as a school and be provided for the information of the Planning Secretary and the Certifier.

Landscaping

- E22. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the landscaping within the development area, to the satisfaction of the Certifier.
- E23. Prior to the commencement of operation, the Applicant must plant three canopy trees in suitable locations within the development area, including one within the proposed playground area. The

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trees must comprise native species and at least one *Eucalyptus microcarpa* species (or any other suitable koala food tree),

Ecologically Sustainable Development

- E24. Prior to the commencement of operation or any other timeframe agreed by the Planning Secretary, the Applicant must provide evidence to the Certifier that the ESD measures required by condition C4 have been implemented.

Fence

- E25. All proposed fencing must be constructed and completed prior to the commencement of operation of the premises.

Accessibility Requirements

- E26. Prior to the commencement of operation, a suitably qualified Access Consultant must certify that the existing building, pedestrian connections, car parking spaces and the landscaped areas of the development area complies with the recommendations in the *Preliminary Building Code of Australia Volume 1 2019 Building Report* prepared by Acro Cert dated 23 March 2020.

PART F POST OCCUPATION

Line marking and signage for access driveway

- F1. Within two months of commencement of operation of the school, the Applicant must complete the line marking and signage at the driveway intersection with Maitland Street and obtain necessary approvals from the relevant road authorities (Council or TfNSW as applicable). Evidence of the completion of the works and the approvals must be provided to the Certifier for information.

Operational hours

- F2. The operational hours of the school are restricted to 8am – 6pm.

Operation of Plant and Equipment

- F3. All plant and equipment used in conjunction with the proposed development must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- F4. 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.

Operational Transport and Access Management Plan

- F5. The OTAMP(s) approved under condition E2, as revised from time to time, must be implemented by the Applicant for the life of the development.

Operational Community Communication Strategy

- F6. The Operational Community Communication Strategy approved under condition E3, as revised from time to time, must be implemented by the Applicant for the life of the development.

Operational Noise Management Plan

- F7. The ONMP(s) approved under condition E6, as revised from time to time, must be implemented by the Applicant for the life of the development.

Operational Noise Limits

- F8. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in “*Noise and Vibration Assessment Report*” prepared by EMM dated May 2020.

Unobstructed Driveways and Parking Areas

- F9. 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.

Access to the site

- F10. Pedestrian access to the site must be from Maitland Street and Eucalypt Avenue only. No access is permitted from Eurabbie Avenue or any other local roads.

Outdoor Lighting

- F11. Notwithstanding condition E18, 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

- F12. The Applicant must maintain the landscaping and vegetation on the development area in accordance with the approved Landscape Management Plan required by condition E22 for the duration of occupation of the development.

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.

SafeWork Requirements

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

Hoarding Requirements

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

Handling of Asbestos

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

Speed limit authorisation

AN11. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;
- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
 - (i) accurate Site boundaries;
 - (ii) details of all road reserves, adjacent to the Site boundaries;
 - (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;

- (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
- (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
- (vi) all existing and proposed street furniture and street trees.

Fire Safety Certificate

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

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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 through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A17 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.