

# Development Consent

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

As delegate of the Minister for Planning under delegation executed on 9 March 2022, 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.



Keiran Thomas  
**Director**  
**Regional Assessments**

Sydney

18 March 2022

### **SCHEDULE 1**

<b>Application Number:</b>	SSD 11070211
<b>Applicant:</b>	NSW Department of Education
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	1-23 Forestwood Drive, Glenmore Park (Lot 1663 DP 1166869)
<b>Development:</b>	<p>Construction and operation of a new educational facility to accommodate up to 414 students, including:</p> <ul style="list-style-type: none"><li>• construction of school buildings ranging from 1 to 2 storeys, including<ul style="list-style-type: none"><li>○ general and special support learning areas</li><li>○ staff rooms and administration office</li><li>○ hall</li><li>○ library</li><li>○ out of school hours care facility</li></ul></li><li>• landscaping works</li><li>• parking, pick-up and set-down zones, bus zones</li><li>• waste and service vehicle access and plant areas</li><li>• associated works including school identification signage, pedestrian crossing infrastructure, on-site infrastructure and utilities.</li></ul>

## 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>	NSW Department of Education or any other person carrying out any development to which this consent applies
<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>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>Certifier</b>	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document.
<b>Construction</b>	<p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to 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>• 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>) 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>	Penrith City Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising as specified in Schedule 1, 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
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning and Environment
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement - The New Primary School in Mulgoa Rise, prepared by RPS

	dated 23 August 2021, 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>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<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>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<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 as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>EMP</b>	Environmental Management Plan
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section 9 of the EIS.
<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 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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (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 9.39 of the EP&A Act
<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>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Operational readiness work</b>	Use of the completed areas of the development by school staff to prepare for the operation of the development.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<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</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
<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>TfNSW</b>	Transport for New South Wales
<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

**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;
  - (d) in accordance with the approved plans in the table below:

<b>Architectural Plans prepared by NBRS Architecture</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
20415-NBRS-DR-A-SSDA-0110	11	Site Plan	12.11.21
20415-NBRS-DR-A-SSDA-0113	08	Site Access and Security Plan	12.11.21
20415-NBRS-DR-A-SSDA-0115	05	Site Sections	11.11.21
20415-NBRS-DR-A-SSDA-0120	02	Public Domain Scope of Works	12.11.21
20415-NBRS-DR-A-SSDA-0999	04	Car Park Plan	11.11.21
20415-NBRS-DR-A-SSDA-1000	10	Overall Ground Floor Plan	12.11.21
20415-NBRS-DR-A-SSDA-1001	09	Overall L1 Plan	11.11.21
20415-NBRS-DR-A-SSDA-1002	08	Overall Roof Plan	11.11.21
20415-NBRS-DR-A-SSDA-1011	05	Block A – GF Plan	11.11.21
20415-NBRS-DR-A-SSDA-1012	06	Block B3 – GF Plan	11.11.21
20415-NBRS-DR-A-SSDA-1013	05	Block B2 – GF Plan	11.11.21
20415-NBRS-DR-A-SSDA-1014	05	Block C – GF Plan	11./11.21
20415-NBRS-DR-A-SSDA-1021	05	Block A – Level 1 Plan	11.11.21
20415-NBRS-DR-A-SSDA-1022	05	Block B3 – Level 1 Plan	11.11.21
20415-NBRS-DR-A-SSDA-1023	05	Block B2 – Level 1 Plan	11.11.21
20415-NBRS-DR-A-SSDA-3010	07	Site Elevations	15.11.21

20415-NBRS-DR-A-SSDA-3011	07	Building A Elevations	15.11.21
20415-NBRS-DR-A-SSDA-3012	07	Building B3 Elevations	15.11.21
20415-NBRS-DR-A-SSDA-3013	07	Building B2 Elevations	15.11.21
20415-NBRS-DR-A-SSDA-3014	07	Building C Elevations	15.11.21
20415-NBRS-DR-A-SSDA-4001	05	Building A - Sections	11.11.21
20415-NBRS-DR-A-SSDA-4002	05	Building - Sections	11.11.21
20415-NBRS-DR-A-SSDA-4003	05	Building – Detail Sections	11.11.21
20415-NBRS-DR-A-SSDA-7010	02	Signage	06.08.21
20415-NBRS-DR-A-SSDA-8001	05	External Finishes	11.11.21
<b>Landscape Plans prepared by NBRS Architecture Landscape</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L-SSDA- 002	06	Vision	17.12.21
L-SSDA- 003	06	Design Approach	17.12.21
L-SSDA- 004	06	Framework Diagram	17.12.21
L-SSDA- 005	06	Landscape Site Diagram	17.12.21
L-SSDA- 006	06	Detailed Plan 1	17.12.21
L-SSDA- 007	06	Detailed Plan 2	17.12.21
L-SSDA- 008	06	Materials Palette	17.12.21
L-SSDA- 009	06	Planting Palette	17.12.21
L-SSDA- 010	06	Planting Zone	17.12.21
L-SSDA- 011	06	Planting Schedule	17.12.21
L-SSDA- 012	06	Preliminary Irrigation Plan	17.12.21
L-SSDA- 013	06	Landscape Sections (Section 1, 2 and 3)	17.12.21
L-SSDA- 014	01	Landscape Sections (Section 4)	17.12.21
L-SSDA- 015	06	Landscape Sections (Section 5)	17.12.21
L-SSDA- 016	06	Landscape Sections (Section 6)	17.12.21
<b>Civil Plans prepared by Woolacotts</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SC1	03	Schematic Civil Works Design	22.07.21
SC2	02	Erosion and Sediment Control Plan – Stage 1	05.05.21

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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;
  - 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). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **Limits of Consent**

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

#### **Prescribed Conditions**

- A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### **Planning Secretary as Moderator**

- A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

#### **Evidence of Consultation**

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
  - (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **Staging**

- A9. The project may be constructed and operated in stages. Where 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).
- A10. A Staging Report prepared in accordance with condition A9 must:
  - (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. 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.

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

A13. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

A15. 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.

A16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Structural Adequacy**

A17. 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 (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

### **External Walls and Cladding**

A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **External Materials**

A19. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:

- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
- (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
- (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

### **Applicability of Guidelines**



- A20. 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.
- A21. 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**

- A22. 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**

- A23. 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 and publicly available for 24 months after the commencement of operations.

### **Compliance**

- A24. 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**

- A25. 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.
- A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

### **Non-Compliance Notification**

- A27. 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.
- A28. 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.
- A29. 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**

- A30. Within three months of:
- (a) the submission of an incident report under condition A25;
  - (b) the submission of an Independent Audit under condition C37 or C38;
  - (c) the approval of any modification of the conditions of this consent; or
  - (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.
- A31. 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.*

## **PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

- B1. 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.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Certified Drawings**

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **External Walls and Cladding**

- B4. Prior to the commencement of the construction and installation of external cladding, 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.

### **Geotechnical Report**

- B5. Prior to the commencement of construction, a Geotechnical Report must be submitted to the Certifier. The Report must be prepared by a qualified geotechnical engineer and must demonstrate that the proposed slab and foundations of the development have been designed to address the existing ground conditions of the site.

### **Pre-Construction Dilapidation Report – Protection of Public Infrastructure**

- B6. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and Infrastructure 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 Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

### **Pre-Construction Survey – Adjoining Properties**

- B7. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential and commercial buildings that are likely to be impacted by the development.
- B8. Where the offer for a pre-construction survey is accepted (as required by condition B6), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- B9. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition B7, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and

- (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

### **Community Communication Strategy**

B10. No later than 48 hours before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;
  - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

### **Ecologically Sustainable Development**

- B11. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

### **Outdoor Lighting**

B12. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting to be installed within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Environmental Management Plan Requirements**

B13. Management plans required under this consent must be prepared having regard to the 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/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

### **Construction Environmental Management Plan**

- B14. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;

- (ii) 24-hour contact details of site manager;
  - (iii) management of dust and odour to protect the amenity of the neighbourhood;
  - (iv) groundwater management plan including measures to prevent groundwater contamination;
  - (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (vi) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B10;
  - (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;
  - (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
  - (d) Construction Traffic and Pedestrian Management Sub-Plan (see condition B15);
  - (e) Construction Noise and Vibration Management Sub-Plan (see condition B16);
  - (f) Construction Waste Management Sub-Plan (see condition B17); and
  - (g) Construction Soil and Water Management Sub-Plan (see condition B18).
- B15. 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 and TfNSW;
  - (c) detail:
    - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
    - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
    - (iii) heavy vehicle routes, access and parking arrangements;
    - (iv) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2;
    - (v) construction vehicle volumes during stages of works and measures to reduce parking impacts on local streets; and
    - (vi) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s).
- B16. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition B16(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and

- (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B13.
- B17. The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the procedures for the management of waste including the following:
- (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 for materials to remain;
  - (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.
- B18. The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSWP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (e) detail all off-site flows from the site; and
  - (f) 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 5-year ARI.
- B19. A Driver Code of Conduct must be prepared, implemented, and communicated by the Applicant to heavy vehicle drivers prior to the commencement of construction. The Code must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

### **Construction Parking**

- B20. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient on-site parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be provided to the Planning Secretary for information.

### **Flood Management**

- B21. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
  - (b) evacuation and refuge protocols.
- B22. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard.

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

- B23. Prior to installation of mechanical plant and equipment:

- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels as recommended in the updated *New Primary School in Mulgoa Rise, Review of Environmental Factors – Noise & Vibration Assessment Report* prepared by Pulse White Noise Acoustics dated 2 November 2021 must be undertaken by a suitably qualified person; and
- (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the project noise trigger levels identified in the updated *New Primary School in Mulgoa Rise, Review of Environmental Factors – Noise & Vibration Assessment Report* prepared by Pulse White Noise Acoustics dated 2 November 2021.

### **Site Contamination**

- B24. Prior to the commencement of construction, the Applicant must prepare a Supplementary Asbestos Investigation Report, prepared, or reviewed, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The Report must be submitted to both the Planning Secretary upon request and the Certifier for information. The Certifier must be satisfied any remaining unexpected asbestos containing material (ACM) has been removed prior to the commencement of construction. The Report must include:
- (a) a copy of the asbestos clearance certificate;
  - (b) results of the asbestos quantification sampling; and
  - (c) management measures to address any further risk of ACM being identified on the site.

### **Tree Protection**

- B25. An audit of the street trees to be retained and protected must be undertaken no less than one week before construction commences. The audit must include (but not be limited to):
- (a) survey location and identification of each tree to be retained;
  - (b) a tree inventory which records the size (dimensions, diameter at breast height (DBH)), health, and structure of the tree (including photos); and
  - (c) photos demonstrating that tree protection measures (as required by condition C20) have been appropriately installed for each tree.

### **Operational Waste Storage and Processing**

- B26. Prior to the commencement of construction of 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, evidence must be provided to the Certifier prior to the commencement of construction that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
  - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
  - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
  - (d) is naturally ventilated or an air handling exhaust system must be in place; and
  - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

### **Road Upgrade / Intersection Works**

- B27. Within six months of the commencement of construction, the Applicant must submit plans and technical specifications for the:
- (a) zebra pedestrian crossing at Forestwood Drive;
  - (b) zebra pedestrian crossing with children's crossing features (as required by the relevant Australian Standards) at Darug Avenue;

- (c) the proposed pick-up/drop-off spaces;
  - (d) the proposed bus bay.
- to the satisfaction of the relevant roads authority.

*Note:*

- *Approval must be obtained for roadworks under section 138 of the Roads Act 1993.*
- *All costs associated with the proposed road upgrade works must be borne by the Applicant.*
- *In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section of the 138 Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.*

### **Operational Access, Car Parking and Service Vehicle Arrangements**

- B28. Prior to the commencement of construction of operational parking and access facilities, evidence of compliance of the design of operational parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) a minimum of 17 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
  - (b) the swept path of the largest service vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2.

### **Public Domain Works**

- B29. Prior to the commencement of any 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.



## **PART C DURING CONSTRUCTION**

### **Site Notice**

- C1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purpose of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
  - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
  - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, 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(s); and
  - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

### **Operation of Plant and Equipment**

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Construction Hours**

- C3. 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.
- C4. Notwithstanding condition C3, provided noise levels do not exceed the existing background noise level plus 5dB(A), works may also be undertaken during the following hours:
- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
  - (b) between 1pm and 4pm, Saturdays.
- C5. Construction activities may be undertaken outside of the hours in condition C3 and C4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or its nominee if appropriate justification is provided for the works.

*Note: Variation requests must be provided to the Planning Secretary seven (7) days prior to the proposed works.*

- C6. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### **Implementation of Management Plans**

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

### **Construction Traffic**

- C9. All construction vehicles (excluding site personnel 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 or an approved on-street work zone before stopping.

### **Hoarding Requirements**

- C10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the Applicant must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **No Obstruction of Public Way**

- C11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### **Construction Noise Limits**

- C12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C3.
- C14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

### **Vibration Criteria**

- C15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C15.
- C17. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B16 of this consent.

### **Geotechnical Monitoring**

- C18. The installation of the structural foundations (including ensuring piles are socketed into bedrock) must be undertaken in accordance with the Geotechnical Report required by condition B5 and be verified by a qualified geotechnical engineer.
- C19. A Report must be prepared by a qualified geotechnical engineer which confirms that all piles have been constructed as per the geotechnical design. The Report must also confirm that all piles have been socketed into the bedrock. The Report must be submitted to the Planning Secretary for information within 3 months of the completion of foundation works.

### **Tree Protection**

- C20. 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 boundary must be protected at all times during construction as per the Arboricultural Impact Assessment Report prepared by Sturt Noble Arboriculture, dated 18<sup>th</sup> August 2021 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 within six months of the removal, to the satisfaction of Council;
- (c) 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**

- C21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C22. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (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.

### **Imported Fill**

- C23. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the 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 and/or Planning Secretary upon request.

### **Disposal of Seepage and Stormwater**

- C24. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of 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**

- C25. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

### **Stormwater Management System**

- C26. The Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier, within three months of the commencement of construction. 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 within the plans specified in condition A2;

- (c) be in accordance with applicable Australian Standards; and
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

### **Aboriginal Cultural Heritage**

C27. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by Comber Consultants dated 13 August 2021.

### **Unexpected Finds Protocol – Aboriginal Heritage**

- C28. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
  - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
  - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
  - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
  - (e) works may only recommence with the written approval of the Planning Secretary.

### **Unexpected Finds Protocol – Historic Heritage**

- C29. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
  - (b) 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 as determined in consultation with Heritage NSW; and
  - (c) works may only recommence with the written approval of the Planning Secretary.

### **Waste Storage and Processing**

- C30. 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.
- C31. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C32. 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.
- C33. 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.
- C34. 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**

- C35. The Applicant must ensure that all external lighting is constructed and maintained in in accordance with AS 4282-2019 *Control of the obtrusive effects of outdoor lighting*.

### **Independent Environmental Audit**

- C36. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C37. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C38. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agreed to above, upon giving at least 4 week's notice to the Applicant of the date or timing upon which the audit must be commenced.
- C39. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under condition C37 of this consent, or condition C38 where notice is given;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C40. Independent Audit Reports and the applicant/proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C41. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, 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.

#### **Operational Readiness Work**

- C42. Operational readiness work must not commence on site until the following details have been submitted to the Certifier:
  - (a) a plan and description of the area(s) of the site to be used for operational readiness work (including pedestrian access) and areas still under construction (including construction access);
  - (b) the maximum number of staff to be involved in operational readiness work on site at any one time;
  - (c) arrangements to ensure the safety of school staff on the site, including how:
    - (i) areas to be used for operational readiness work will be clearly and securely separated from the areas of the site still under construction;
    - (ii) pedestrian access to and within the site will be managed to ensure no conflict with construction vehicle movements; and
  - (d) access and parking arrangements to minimise impacts on the surrounding street network having regard to number of staff involved in operational readiness work on site at any one time and parking arrangements for construction workers on site.
- C43. Operational readiness work must only be undertaken in accordance with the details submitted under condition C42 and the following requirements:
  - (a) no more than 27 staff at any one time are involved in operational readiness work;
  - (b) no students or parents are permitted; and
  - (c) the Applicant has implemented appropriate arrangements to ensure the safety of school staff.

## **PART D PRIOR TO COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

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

### **External Walls and Cladding**

- D2. Prior to commencement of operation, the Applicant must provide the 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.
- D3. 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.

### **Works as Executed Plans**

- D4. Prior to the commencement of operation, works-as-executed plans 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.

### **Warm Water Systems and Cooling Systems**

- D5. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Outdoor Lighting**

- D6. 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.

### **Mechanical Ventilation**

- D7. 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**

- D8. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B23 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the operational project noise trigger levels identified in the updated *New Primary School in Mulgoa Rise, Review of Environmental Factors – Noise & Vibration Assessment Report* prepared by Pulse White Noise Acoustics dated 2 November 2021.
- D9. The Applicant must select, install and operate mechanical plant and equipment which does not result in a noise impact greater than 5dBA above the background level when operated (either individual or cumulatively).

### **Fire Safety Certification**

- D10. 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**

- D11. 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 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 Planning Secretary 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.

### **Compliance with Food Code**

- D12. Prior to the commencement of operation, 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.

### **Post-construction Dilapidation Report – Protection of Public Infrastructure**

- D13. Prior to the commencement of operation, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition B6 of this consent;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary when requested.

### **Repair of Public Infrastructure**

- D14. Unless the Applicant and the relevant public 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 construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.*

### **Road Damage**

- D15. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### **Post-Construction Survey – Adjoining Properties**

- D16. Where a pre-construction survey has been undertaken in accordance with condition B7, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:

- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition B7;
  - (b) be provided to the owner of the relevant buildings surveyed;
  - (c) be provided to the Certifier; and
  - (d) be provided to the Planning Secretary when requested.
- D17. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

### **Roadworks**

- D18. Prior to the commencement of operation, the Applicant must complete the works identified in condition B27 to the satisfaction of the relevant roads authority.

### **Bicycle Parking and End-of-Trip Facilities**

- D19. Prior to the commencement of operation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:
- (a) the provision of a minimum six (6) staff and 64 student bicycle and 80 student scooter parking spaces;
  - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - (c) the provision of end-of-trip facilities for staff; and
  - (d) appropriate pedestrian and cyclist advisory signs are to be provided.

*Note: All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority.*

### **School/Pedestrian Crossing Facilities**

- D20. Prior to commencement of operation, school/pedestrian crossings (as identified in condition B27) must be installed on surrounding roads in accordance with the relevant design standards and warrants to the satisfaction of the relevant road authority.

### **School Zones**

- D21. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings must be installed, inspected by TfNSW and Council, and handed over to the relevant road authority.

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

- D22. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

### **Crossing Supervisor**

- D23. Prior to the commencement of operation, the Applicant is to apply to TfNSW and secure official Crossing Supervisors for crossings at Darug Avenue and Deerubbin Drive.

### **School Transport Plan**

- D24. Prior to the commencement of operation, a School Transport Plan (STP), must be submitted to, and approved by the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified consultant in consultation with Council and TfNSW;
  - (b) include arrangements to promote the use of active and sustainable transport modes, including:
    - (i) objectives and mode share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation);



- (ii) specific tools and actions to help achieve the objectives and mode share targets;
  - (iii) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
- (c) include operational transport access management arrangements, including:
  - (i) detailed pedestrian analysis including the identification of safe route options to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
  - (ii) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (iii) the location and operational management procedures of the drop-off and pick-up parking, including staff management/traffic controller arrangements;
  - (iv) the location and operational management procedures for the drop-off and pick-up of students by buses and coaches including staff management/traffic controller arrangements;
  - (v) delivery and services vehicle and bus access and management arrangements;
  - (vi) management of approved access arrangements;
  - (vii) 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 and pick-up zones;
  - (viii) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the plan; and
- (e) include a program for ongoing monitoring and review of the STP during operation. The program must include a review following 18 months of operation. This review must be provided to the Planning Secretary for information upon completion. If the review following 18 months of operation identifies that the mode share targets proposed in the documents in condition A2(c) have not been achieved, the STP must be revised and resubmitted to the satisfaction of the Planning Secretary within 6 months.

### **Utilities and Services**

- D25. Prior to commencement of operation, 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*.

### **Stormwater Operation and Maintenance Plan**

- D26. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP 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.

### **Signage**

- D27. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D28. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

### Operational Waste Management Plan

- D29. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the 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 on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include the Management and Mitigation Measures included in the *Operational Waste Management Plan – The New Primary School at Mulgoa Rise*, prepared by EcCell dated 15/08/21, submitted with the EIS.

### Landscaping

- D30. Prior to the commencement of operation or other timeframe agreed by the Planning Secretary, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2(d).
- D31. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site and submit it to the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
  - (b) be consistent with the Applicant's Management and Mitigation Measures at Section 9 Table 20 in the EIS.
- D32. Prior the commencement of the operation, a final tree audit must be undertaken. Any trees that are in a worse condition than recorded in the audit required by condition B25 must be replaced within six months of the completion of the final tree audit, in consultation with Council.

### Operational Flood Emergency Management Plan

- D33. Prior the commencement of the operation, an Operational Flood Emergency Management Plan (OFEMP) must be prepared by the Applicant and submitted to the Certifier. The OFEMP must be implemented and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) include details of:
    - (i) the flood emergency responses for the operational phase of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors, and visitors.

## **PART E POST OCCUPATION**

### **Out of Hours Event Management Plan**

- E1. Prior to the commencement of the first out of hours events (School Use) run by the school that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the all school buildings, including the school hall, basketball court and library, where applicable, restricting use before 8am and after 10pm;
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E2. The Out of Hours Event Management Plan (School Use) must be implemented by the Applicant for the duration of the identified events or use.
- E3. Prior to the commencement of out of hours events (Community Use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the school hall and library, where applicable, restricting use before 8am and after 10pm;
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E4. The Out of Hours Event Management Plan (Community Use) must be implemented by the Applicant for the duration of the identified community event or use.

### **Operation of Plant and Equipment**

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

### **Warm Water Systems and Cooling Systems**

- E6. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Community Communication Strategy**

- E7. The Community Communication Strategy, as submitted to the Certifier, must be implemented for a minimum of 12 months following the completion of construction.

### **Operational Noise Limits**

- E8. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the updated *New Primary School in Mulgoa Rise, Review of Environmental Factors – Noise & Vibration Assessment Report* prepared by Pulse White Noise Acoustics dated 2 November 2021.
- E9. 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 use of each stage of the development or other timeframe agreed to by the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in updated *New Primary School in Mulgoa Rise, Review of Environmental Factors – Noise & Vibration Assessment Report* prepared by Pulse White Noise Acoustics dated 2 November 2021. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures as soon as practicable so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

### **Unobstructed Driveways and Parking Areas**

- E10. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### **School Transport Plan**

- E11. The School Transport Plan required by condition D24 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

- E12. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4-star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B11, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

- E13. Notwithstanding condition D6, 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**

- E14. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D31 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.

### **Utilities and Services**

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. 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**

AN7. 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**

AN8. 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**

AN9. 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**

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

### **Handling of Asbestos**

AN11. 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**

AN12. 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**

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.

## **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 lodged with 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 A25 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.