

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

Karen Harragon

Director

Social and Infrastructure Assessments

Sydney

12 October 2022

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

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

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SCHEDULE 1

Application Number:	SSD-21854025
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning
Site:	105-107 Mitchell Street, Wee Waa Lot 2 DP 550633, Lot 1 DP 577294, Lots 124 and 125 DP757125
Development:	<p>Construction and operation of a new high school including:</p> <ul style="list-style-type: none">• site preparation including earthworks, tree removal stormwater and flooding infrastructure and remediation;• construction of single and two storey school buildings;• outdoor playing field, covered sports court and open play spaces;• hard and soft landscaping including tree planting;• car parking and bike parking;• fencing and school identification signs; and• associated infrastructure upgrades including bus zone area, drop-off/pick-up facility, kerb and guttering and pedestrian infrastructure.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-21854025-MOD-2	26 April 2024	Team Leader, Social Infrastructure Assessments	<ul style="list-style-type: none">• Amendment to Part D conditions to facilitate staged completion and occupation of the school site while final flood mitigation and stormwater management works are completed.

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Acoustic Assessment Report	<i>Acoustic Assessment Report New Wee Waa High School 105-107 Mitchell Street, Wee Waa Report No 7284-1.1R Rev C</i> prepared by Day Design Pty Ltd and dated 21 January 2022
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	NSW Department of Education or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
Arborist Assessment Report	The 'Arborist Assessment Report Version 0.8-SSD' prepared by McArdle and Sons Arboricultural Services Pty Ltd and dated 3 June 2022
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	Narrabri Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department / DPE	NSW Department of Planning and Environment
Development	The development described in the EIS and RtS, as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EHG	Environment and Heritage Group of the Department of Planning and Environment

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EIS	The Environmental Impact Statement titled ' <i>Environmental Impact Statement</i> ', prepared by Ethos Urban, dated 8 November 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	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
IBRA	Interim Biogeographic Regionalisation for Australia
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements 2020 (or other updated version as available on the Department's website)
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Appendix L Mitigation Measures Table of the RtS
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction excluding operational readiness work
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Operational readiness work	Use of the completed areas of the development by school staff to prepare for the operation of the development
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

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Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RtS	The Applicant’s response to submissions report and attachments titled ‘ <i>Response to Submissions New Wee Waa High School SSD-21854025 version 5.0</i> ’ prepared by NSW Education and dated March 2022.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
SRtS	<p>The Applicant’s supplementary responses to submissions, including the following documents and their attachments:</p> <ul style="list-style-type: none"> • ‘<i>Wee Waa High School Traffic Response to Submissions</i>’ prepared by TTW and dated 12 April 2022; • ‘<i>Re New Wee Waa High School (SSD-21854025) Request for Additional Information</i>’ prepared by Ethos Urban and dated 22 June 2022; and • ‘<i>Re New Wee Waa High School (SSD-21854025) Request for Additional Information</i>’ prepared by Ethos Urban and dated 23 August 2022.
TfNSW	Transport for New South Wales
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation.
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

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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, RtS, SRTS and **SSD-21854025-Mod-2**; and
 - (d) in accordance with the approved plans in the table below (as amended by conditions of this consent):

Architectural plans prepared by SHAC			
Plan No.	Rev	Name of Plan	Date
SSD1101	F	Proposed Site Plan – Option1A	18.07.22
SSD1102	D	Proposed Site Plan - Detailed	18.07.22
SSD1103	A	Proposed Tree Removal Site Plan	11.05.22
SSD1104	A	Public Domain Works	11.05.22
SSD1105	A	Access and Security Strategy	11.05.22
SSD1201	A	Ground Floor Furniture Layout Plan	11.05.22
SSD1202	A	First Floor Furniture Layout Plan	11.05.22
SSD1203	A	Roof Plan	11.05.22
SSD1204	A	Ground Floor Services Strategy	11.05.22
SSD1205	A	First Floor Services Strategy	11.05.22
SSD1301	C	Elevations	06.07.22
SSD1302	B	Agriculture / Environmental & Indigenous Centre Elevations	15.08.22
SSD1303	A	Sports Courts Elevations	11.05.22
SSD1401	C	Sections	06.07.22
SSD1501	A	Material Study	11.05.21

Landscape plans prepared by Moir Landscape Architecture			
Plan No.	Rev	Name of Plan	Date
LP01	H	Cover Sheet	26/05/2022
LP02	H	Site Plan	26/05/2022
LP03	H	Cultural Landscape	26/05/2022
LP04	H	Central Courtyard	26/05/2022
LP05	H	Outdoor Recreation Space	26/05/2022
LP06	H	Planting Schedule	26/05/2022

Civil plans prepared by Warren Smith			
Plan No.	Rev	Name of Plan	Date
C1.01	1	Cover Sheet	June 2022
C3.01	1	Bulk Earthworks Plan	22/06/22
C3.02	1	Bulk Earthworks Cut & Fill Plan	22/06/22
C3.10	1	Site Layout Plan	22/06/22
C3.11	1	Fill Pad School Buildings Section A-A	22/06/22

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C3.12	1	Fill Pad Oval Section B-B	22/06/22
C3.13	1	Fill Pad Oval CH00.00 to CH182.41	22/06/22
C6.01	1	Stormwater Layout Plan – Sheet 1	22/06/22
C6.02	1	Stormwater Layout Plan – Sheet 2	22/06/22
C6.03	1	Stormwater Layout Plan – Sheet 3	22/06/22
C6.04	1	Stormwater Layout Plan – Sheet 4	22/06/22
C6.05	1	Stormwater Layout Plan – Sheet 5	22/06/22
C6.11	1	Stormwater Channel 2 & 3 Longitudinal Section	22/06/22
C6.21	1	Stormwater Channel 2 CH00.00 to CH50.00	22/06/22
C6.22	1	Stormwater Channel 3 CH00.00 to CH183.93	22/06/22
C6.31	1	Stormwater Pit Schedule	22/06/22

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). 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.
- A6. This consent does not approve the following. Separate approvals must be obtained for the following works and uses, or any other works or uses, which do not meet exempt development provisions:
- (a) outdoor lighting of the sports field, track or covered courts; and
 - (b) illumination (internal/external) of any signage.

Prescribed Conditions

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

Planning Secretary as Moderator

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

Evidence of Consultation

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

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Staging

- A10. 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).
- A11. A Staging Report prepared in accordance with condition A10 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;
 - (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
 - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A12. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A13. 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 including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

- A14. 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).
- 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 must be constructed in accordance with the relevant requirements of the BCA.

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

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External Walls and Cladding

A18. The external walls of all 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 12 months after the commencement of operations.

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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 A26;
 - (b) the submission of an Independent Audit under condition C40 or C42;
 - (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.*

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PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Design and Landscaping Amendments

- B1. Prior to commencement of construction, the relevant architectural and landscape plans referenced in Condition A2 must be amended and approved by the Planning Secretary. The amended plans must comply with the following requirements:
- (a) the George Street northern secondary pedestrian entrance, pathway and bicycle enclosure must be relocated further northwards to retain and protect trees identified in the Arborist Assessment Report as trees 7C and 7D;
 - (b) replace the following nine proposed non-native trees with appropriate native alternative(s):
 - (i) three Todd Chinese Elm trees within the car park;
 - (ii) three Todd Chinese Elm trees adjoining the water tanks (south of Building F);
 - (iii) three Japanese Zelkova trees south of Building B2;
 - (c) in addition to the 16 Eucalyptus microtheca 'Coolabah' native trees identified for planting in the plans listed at Condition A2, plant a minimum of an additional 28 Coolabah trees (minimum total of 44) within the site;
 - (d) provide additional tree planting along the Charles Street and Mitchell Street / Kamilaroi Highway school fence lines and within the north-east and north-west corners of the playing field;
 - (e) include the planting of a minimum of 106 trees throughout the site, comprising a maximum of 11 non-native trees, minimum of 95 native trees (including a minimum of 44 Eucalyptus microtheca 'Coolabah' trees);
 - (f) detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - (g) include species (trees, shrubs and groundcovers) indigenous to the local area;
 - (h) confirm all trees planted on the site will be advanced tree stock with a pot container size of 45 litres or greater; and
 - (i) include the provision of nest boxes suitable to native fauna likely to use the site
- B2. Prior to commencement of construction, the Arborist Assessment Report must be updated to incorporate the additional tree retention identified in condition B1 and include appropriate tree protection measures for those trees during construction.
- B3. Prior to the commencement of construction of buildings, the Applicant must submit evidence to the Certifier demonstrating that:
- (a) further consultation has been undertaken through the Connecting with Country consultation processes and with school and user groups and the local Aboriginal community regarding the architectural expression of façades and materials selection; and
 - (b) any amendments resulting from the above consultation at (a) have been incorporated into the design of the buildings and spaces and do not result in changes to building heights and setbacks.
- B4. Prior to the commencement of landscaping works, the Applicant must submit evidence to the Certifier demonstrating that further consultation has been undertaken through the Connecting with Country consultation processes and with school and user groups and the local Aboriginal community regarding the activation of the spine walkway and central courtyard.
- B5. Prior to the installation of fencing along the northern boundary of the site where it adjoins 41 George Street, the Applicant is to consult with the owner/s of 41 George Street in relation to appropriate noise mitigation measures to ensure the operation of the school car park and driveway does not result in unacceptable noise impacts to the occupants of 41 George Street in accordance with recommendations of the *'Acoustic Assessment Report New Wee Waa High School 105-107 Mitchell Street, Wee Waa Report No 7284-1.1R Rev C'* prepared by Day Design Pty Ltd and dated 21 January 2022 (Acoustic Assessment Report).
- B6. Prior to the installation of fencing along the northern boundary of the site where it adjoins 41 George Street, the final design of the fencing and noise mitigation measures (in consultation with the Applicant and the owner of 41 George Street in relation to condition B5) shall be submitted to the satisfaction of the Planning Secretary including evidence of modelled noise mitigation outcomes in accordance with the noise criteria identified in the Acoustic Assessment Report.

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Note: Notwithstanding conditions B5 and B6, an exceedance of the noise criteria at 41 George Street may be considered acceptable without additional mitigation measure(s) if the owner of 41 George Street and the Applicant agree that no additional mitigation measures are required and a written agreement signed by both the owner of 41 George Street and the Applicant is submitted to the satisfaction of the Planning Secretary.

- B7. The Applicant must update relevant architectural and landscape plans referenced in condition A2, as amended by condition B1, to incorporate additional amendments resulting from the consultation and requirements of condition B3, condition B4 and condition B5. The Applicant must provide a copy of the amended architectural and landscape plans to the Planning Secretary within 7 days when requested.

Notification of Commencement

- B8. 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.
- B9. 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

- B10. 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

- B11. Prior to the commencement of construction, 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, including evidence of the Certifier's acceptance of such proposed products and systems, to the Planning Secretary within seven days after the Certifier accepts it.

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- B12. 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 within seven days when requested.

Pre-Construction Survey – Adjoining Properties

- B13. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential / non-residential buildings that are likely to be impacted by the development.
- B14. Where the offer for a pre-construction survey is accepted (as required by condition B13), 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.
- B15. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition B14, 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 within seven days when requested.

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Community Communication Strategy

B16. No later than 48 hours before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary within seven days when requested. 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

B17. Prior to the commencement of construction of the building, 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

B18. Prior to the installation of permanent outdoor lighting, evidence must be submitted to the satisfaction of the Certifier that:

- (a) all outdoor lighting 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;
- (b) incorporates all design related recommendations in the document titled '*External Lighting Strategy Report for Wee Waa High School Revision No.2*' prepared by Marline Building Services Engineers and dated 29 October 2021 (as updated by commitments at Section 3.1.9 of the RtS report); and
- (c) all outdoor lighting has been designed to comply with the nine good lighting design principles of the NSW Dark Sky Planning Guideline 2016.

Environmental Management Plan Requirements

B19. 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* (DPE 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>

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

Construction Environmental Management Plan

B20. 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 within seven days when requested. 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;

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- (iv) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (v) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B16;
 - (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed; and
 - (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 B21);
 - (e) Construction Noise and Vibration Management Sub-Plan (see condition B22);
 - (f) Construction Waste Management Sub-Plan (see condition B23);
 - (g) Construction Soil and Water Management Sub-Plan (see condition B24);
 - (h) Construction Biodiversity Management Sub-Plan (see condition B25); and
 - (i) Construction Flood Emergency Response Plan (see condition B26).
- B21. 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) 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); and
 - (vi) include the requirements detailed in conditions B30, B31 and B32.
- B22. The Construction Noise and Vibration Management Sub-Plan must address noise and vibration from both the approved development under this consent and from the separate works on site determined under Part 5 of the EP&A Act, 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 B22(c)(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction;
 - (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 B19; and
 - (h) include a noise validation assessment that considers all equipment to be used and all mitigation measures to be implemented at the site. If predicted construction noise levels still exceed the calculated noise management levels, then further feasible and reasonable work practices and/or mitigation measure that should be applied to minimise noise levels.

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- B23. 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;
 - (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.
- B24. 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 (4th 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) provide a construction methodology to address management of flood related impacts, supported by a Flood Impact Assessment prepared by a suitably qualified practising Engineer, addressing the following (but not limited to):
 - (i) 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 and 1 in 100-year ARI;
 - (ii) detailed construction staging plans and additional flood modelling to confirm that the construction would not result in unacceptable flooding conditions on adjoining properties and infrastructure, as certified by a suitably qualified practising Engineer; and
 - (iii) compliance with the recommendations of the '*Remedial Action Plan Version V2 Final*' prepared by EMM and dated 8 November 2021 relating to stockpiling of excavated material.
- B25. The Construction Biodiversity Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced ecologist or bushland regeneration expert;
 - (b) be prepared in consultation with EHG. Documentary evidence must be provided on how feedback has been considered and whether any changes have been made in response to this feedback;
 - (c) identify areas of land where impacts on biodiversity are to be avoided as outlined in the Biodiversity Development Assessment Report V8, prepared by Ecological Australia and dated 22 August 2022 and set out how these areas will be protected from construction impacts; and
 - (d) set out the measures identified in the Biodiversity Development Assessment Report to minimise, mitigate and manage impacts on biodiversity, including but not limited to exclusion fencing, storage of material, timing of implementation of any measures and responsibility for delivery of the measures.
- B26. The Construction Flood Emergency Response Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EHG);
 - (c) include details of:
 - (i) the flood emergency responses for the construction 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 users/visitors.

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Flood Management

- B27. 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 for construction workers.
- B28. Prior to the commencement of construction, the Certifier must be satisfied that all building floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard.
- B29. Prior to the commencement of construction, the Applicant must submit evidence, including certification from a suitably qualified practising Engineer, to the Certifier demonstrating compliance with the following requirements:
- (a) any structures below the 1% Annual Exceedance Probability plus 500mm of freeboard must be constructed from flood compatible building components;
 - (b) buildings and structures including fencing comply with the recommendations and mitigations measures listed in the 'Wee Waa High School Technical Working Paper: Flooding' (Rev No. 1.2), prepared by Lyall & Associates and dated October 2021 and as amended by the following documents prepared by Lyall & Associates:
 - (i) 'Wee Waa High School – Response to Submissions' dated 23/02/2022
 - (ii) 'Wee Waa High School – Updated RtS Flood Impact Assessment' dated 10/06/2022; and
 - (iii) 'Wee Waa High School – Narrabri Shire Council's Response to Updated RtS Flood Impact Assessment' dated 17/08/2022.

Construction Access arrangements

- B30. Prior to the commencement of construction, evidence of compliance of construction parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) all vehicles must enter and leave the Site in a forward direction;
 - (b) 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, is in accordance with the latest version of AS 2890.2; and
 - (c) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed.

Construction Parking

- B31. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.
- B32. 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 parking facilities or other travel arrangements for construction workers in order to mitigate impact to the surrounding residents and other occupiers by minimising demand for parking in nearby public and residential streets or public parking facilities. The Strategy must include measures to restrict worker parking to the north of Mitchell Street in order to minimise impacts on the operation of the existing Wee Waa public school and temporary high school's pick-up/drop and bus zones. A copy of the strategy must be provided to the Planning Secretary for information.

Operational Noise – Mechanical Plant, Equipment and School Bell / PA System

- B33. Prior to installation of mechanical plant, equipment and school bell / PA system:
- (a) a detailed assessment of mechanical plant, equipment and school bell / PA system in compliance with the relevant project noise trigger levels as recommended in the Acoustic Assessment Report, as updated by the conditions of this consent, must be undertaken by a suitably qualified person; and

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- (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.

Aboriginal Heritage

B34. Prior to the commencement of construction, the Applicant must:

- (a) consult with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity; and
- (b) prepare an Aboriginal Cultural Heritage Management Plan in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by OzArk Environment & Heritage dated October 2021.

Biodiversity

B35. Prior to the commencement of construction, the number and classes of ecosystem credits and species credits (like-for-like) set out in the BAM Biodiversity Credit Report contained in Appendix E of the Biodiversity Development Assessment Report V8, prepared by Ecological Australia and dated 22 August 2022 must be retired.

B36. The retirement of biodiversity credits in condition B35 must be carried out in accordance with the NSW Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*.

B37. Evidence of the retirement of credits in satisfaction of condition B35 and B36 must be provided to the Planning Secretary prior to commencement of construction.

Public Domain Works

B38. 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 technical requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Operational Waste Storage and Processing

B39. 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 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;
- (e) allows for the cardboard to be recycled and separated from landfill waste; and
- (f) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Roadwork and Pedestrian Access Improvements

B40. Prior to the commencement of construction for external roadworks and pedestrian infrastructure, the Applicant must prepare design plans for the following road and pedestrian infrastructure improvements, in consultation with the relevant roads authority (Council or Transport for NSW, as relevant):

- (a) the provision of a pedestrian crossing across Mitchell Street / Kamilaroi Highway, on the western side of the Mitchell Street / Kamilaroi Highway and George Street intersection. The crossing shall comprise kerb extension (with no pedestrian refuge) designed in accordance with TfNSW Technical Direction, Australian Standard – Manual for Uniform Traffic Control Devices and Austroads Design Guide Part 4;
- (b) the provision of the pick-up/drop-off and bus bay facilities on George Street;
- (c) the provision of kerb and guttering and a footpath along George Street in the location identified in drawing SSD1104 (Rev A), prepared by Shac and dated 11.05.22;

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- (d) the provision of a footpath along Mitchel Street / Kamilaroi Highway in the location identified in drawing SSD1104 (Rev A), prepared by Shac and dated 11.05.22;
- (e) the provision a footpath along the south-western side of Charles Street between the western corner of the site and the south-western pedestrian gate/bridge; and
- (f) the provision of an asphalt surface material along the road shoulder on the south-western side of Charles Street between the western corner of the site and the south-western pedestrian gate/bridge.

Note: Approval must be obtained for any roadworks under section 138 of the Roads Act 1993. All costs associated with the proposed road upgrade works must be borne by the Applicant.

Works Authorisation Deed

- B41. Prior to the commencement of construction of any works within the Mitchell Street / Kamilaroi Highway road reserve (HW 29), a formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and TfNSW for the developer to undertake "private financing and construction" of any works. This agreement is necessary for works in which TfNSW has a statutory interest and must be in place prior to road works commencing.

Operational Access, Car Parking and Service Vehicle Arrangements

- B42. 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) provision of 40 on-site car parking spaces (including one disabled parking space) for use during operation of the development and designed in accordance with the approved drawings at condition A2 and the latest versions of AS 2890.1 and AS 2890.6;
 - (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;
 - (c) driveway and on-site manoeuvring area(s) to allow for all vehicles to enter and leave the site in a forward direction;
 - (d) access levels and grades to comply with access levels and grades required by Council under the Roads Act 1993; and
 - (e) any landscaping, fencing and signage provided within or along the boundary with the adjoining road reserve is to be design and maintained to provide safe sight distance to pedestrians and motorists entering and leaving the site, in accordance with Austroads SISD and AS 2890.1-2004.

Site Contamination

- B43. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

Earthworks

- B44. Prior to the commencement of any earthworks, the Applicant must engage a suitably qualified practising Engineer to design an Earthworks Management Plan to the satisfaction of the Certifier. The Earthworks Management Plan must be prepared in consultation with Council and include calculations and plans that:
- (a) detail the true cut to fill balance.
 - (b) identify the volume of material to be removed from the site and where this material is to be placed/spread.
 - (c) identify the volume of material that will be required to be imported to the site and where this material (meeting the specifications identified in the report) will be sourced.
 - (d) it should be noted that Council will not be able to assist in the provision of suitable quarry material as this is already in high-demand with an increasing road maintenance program due to extreme flooding.
 - (e) given the dispersive nature of the soils on the site, appropriate measures should be put in place to ensure that sediment cannot be tracked onto adjacent roadways.

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Water and Sewer

- B45. Prior to the commencement of construction of potable water and sewer infrastructure, the Applicant must submit a copy of Council's endorsement of the final potable water and sewer program to the Certifier.

FOR INFORMATION

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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, 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 his nominee if appropriate justification is provided for the 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 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.

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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 construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

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 B22 of this consent.

Tree Protection

- C18. For the duration of the construction works:
- (a) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arborist Assessment Report, as amended by condition B2;
 - (b) a qualified Arborist may amend the recommendations relating to tree protection measures contained in the Arborist Assessment Report (as amended by condition B2), provided the recommendations are consistent with condition C18 (c) and do not result in removal of any trees that are not approved for removal under this development consent;
 - (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;
 - (d) 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; and
 - (e) all street trees immediately adjacent to the approved disturbance area / property boundaries must be protected at all times during construction in accordance with Council's tree protection

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requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council.

Air Quality

- C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C20. 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.

Disposal of Seepage and Stormwater

- C21. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the 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

- C22. 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

- C23. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. 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 SRtS and the relevant civil drawings listed 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

- C24. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by OzArk Environment & Heritage dated October 2021 and the Aboriginal Cultural Heritage Management Plan required by condition B34, including:
- (a) all land and ground disturbance activities must be confined to within the study area, should the parameters of the proposed extend beyond the assessed areas, further archaeological assessment may be required; and
 - (b) all staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal sites and objects.
- C25. 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 shall only recommence with the written approval of the Planning Secretary.

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Unexpected Finds Protocol – Historic Heritage

C26. 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.

Imported Fill

C27. 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 upon request.

C28. All fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

Waste Storage and Processing

C29. 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.

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

C31. 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.

C32. 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.

C33. 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.

The Applicant must undertake ongoing consultation with Council regarding the proposed disposal of any waste at Council's landfill site(s) during both the construction and operational phase, particularly with respect to Asbestos Containing Materials, to ensure that Council's landfill licensing conditions are complied with, and waste is lawfully disposed of and managed.

Outdoor Lighting During Construction

C34. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Roadwork and Pedestrian Infrastructure Upgrade

C35. Within six months of the commencement of construction or other timeframe agreed in writing by the Planning Secretary, the Applicant must provide written evidence to the satisfaction of the Planning Secretary demonstrating that an agreement has been made with Council and TfNSW for construction and payment of the roadworks and pedestrian infrastructure upgrades detailed in condition B40.

Site Contamination

C36. Prior to the commencement of earthworks, the Applicant must update the '*Remedial Action Plan Version V2 Final*' prepared by EMM and dated 8 November 2021 to include an unexpected contamination procedure ensuring that unexpected contaminated material is appropriately managed. Where any material

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identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

- C37. Remediation of the site must be carried out in accordance with the *'Remedial Action Plan Version V2 Final'* prepared by EMM and dated 8 November 2021, as updated by condition C36, and any variations to the Plan approved by an NSW EPA-accredited Site Auditor.
- C38. Where remediation is carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C39. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Independent Environmental Audit

- C40. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C41. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C42. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements, upon giving at least 4 week's notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- C43. 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 C40 of this consent, or condition C42 where notice is given by the Planning Secretary;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- C44. Independent Audit Reports and the Applicant'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.
- C45. 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

- C46. 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.
- C47. Operational readiness work must only be undertaken in accordance with the details submitted under condition C46 and the following requirements:
 - (a) no more than 15 staff are involved in operational readiness work;
 - (b) no more than 5 vehicles must access the school related to the operational readiness work;
 - (c) no students or parents are permitted; and

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- (d) the Applicant has implemented appropriate arrangements to ensure the safety of school staff.

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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 drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Implementation of separate Part 5 works

- D5. **Within 15 weeks of the commencement of operation**, the Applicant must provide documented evidence to the Planning Secretary confirming that the works determined separately under Part 5 of the EP&A Act (as described in the EIS and amended by the RtS and SRtS) have been fully constructed and are operational, including the construction of:
- (a) all flood mitigation works located on and off the site, including flood/stormwater channels, culverts, pipes, levee works, safety features and associated infrastructure; and
 - (b) all pedestrian bridges connecting the school to Mitchell Street (two bridges) and Charles Street (one bridge) over the Part 5 flood mitigation channels.

Public Art Plan

- D6. Prior to installation of artwork(s), the Applicant must submit to the Certifier a detailed Public Art Plan. The plan must include (but not limited to):
- (a) evidence of consultation with Council, the local Aboriginal and school community;
 - (b) consideration of the draft Public Art Strategy contained within the *'Concept Design Report Rev T'*, prepared by SHAC and dated May 2022;
 - (c) evidence of Connecting to Country being embedded in the public art process;
 - (d) evidence of artist's engagement with the Designing with Country framework;
 - (e) evidence of involvement of local Indigenous artists; and
 - (f) proposed methods of integration of the public art concepts developed by the selected artists into the school site / buildings / spaces.

Outdoor Lighting

- D7. 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:
- (a) complies with the requirements of condition B18;
 - (b) achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers;
 - (c) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (d) 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; and
 - (e) complies with the design requirements of the nine good lighting design principles of the NSW Dark Sky Planning Guideline 2016.

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Warm Water Systems and Cooling Systems

- D8. 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.

Mechanical Ventilation

- D9. 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.

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. **Within 15 weeks of** 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 B12 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.

Protection 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.

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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.*

- D15. **Within 15 weeks of** 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 B13, **within 15 weeks of** 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 B13 and B14;
 - (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 within 7 days 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 and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Roadworks and Pedestrian Infrastructure Upgrades

- D18. Prior to the commencement of operation, the Applicant must complete the roadwork and pedestrian infrastructure upgrade works required under condition B40 to the satisfaction of the relevant roads authority (Council or Transport for NSW).

Notes:

- *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 Car Parking and Pedestrian Access Arrangements

- D19. Prior to the commencement of operation, evidence must be submitted to the Certifier that demonstrates that:
- (a) all construction works and access arrangements associated with the proposed 40 car parking spaces, including requirements under condition B42, have been completed and the parking facility is operational; and
 - (b) all internal pedestrian paths have been completed in accordance with the approved plans at condition A2.

Bicycle Parking and End-of-Trip Facilities

- D20. Prior to the commencement of operation, evidence of 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 12 staff and visitor/student bicycle parking spaces, subject to the amendments required under condition B1;
 - (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.*

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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 handed over to TfNSW.

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

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

School Transport Plan

D23. Prior to the commencement of operation, a School Transport Plan, must be submitted to the satisfaction of 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 modes 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) detailed schedule for the proposed bus operation to ensure the bus bays on George Street are not overloaded and remain sufficient for the purposes of the operation;
- (e) confirm that the two secondary pedestrian entrance gates on Mitchell Street / Kamilaroi Highway are closed and locked during the morning and afternoon student arrival and departure times or alternative measures to manage student pedestrian safety on Mitchell Street / Kamilaroi Highway agreed to by TfNSW;
- (f) access arrangements and management associated with the proposed use of school buildings and sporting facilities by community members;
- (g) 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
- (h) a monitoring and review program.

Operational Management Plan

D24. Prior to the commencement of the operation, an Operational Management Plan (OMP) must be submitted to the satisfaction of the Planning Secretary. The plan must consider the draft Operational Management Plan titled 'NSW Department of Education Wee Waa High School Operational Management Plan' prepared by Ontoit and dated 29 October 2021 and update the document as follows:

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- (a) amend the document to ensure the 'Proposed Development', 'School Population', 'Hours of Use' and 'Car Parking' sections are consistent with the approved development (as amended by the RtS and SRtS);
- (b) incorporate updated Wee Waa High School 'Emergency Egress', 'Complaints Management', 'Incident Register' procedures;
- (c) include details of the school facilities (buildings and spaces) that will be made available to community users, including the times, frequencies, capacities, booking arrangements, nature of the community use and management;
- (d) include details of the expected total number of weekend users and the anticipated activities;
- (e) include details of the use of the site on school days and before and after school activities;
- (f) include details of the operation and management of all lighting within the site and any necessary mitigation measures to prevent adverse impact on neighbouring residential amenity; and
- (g) attachment a copy of the final School Travel Plan and Flood Emergency Management Plan (conditions D23 and D39).

Operational Noise – Community Use Assessment

- D25. Prior to the first use of school facilities by the community, the Acoustic Assessment Report must be updated by a certified Acoustic Consultant and submitted to the Planning Secretary for approval. The updated report must include:
- (a) consideration of the final community use of the school facilities on the site as outlined in the Operational Management Plan (Condition D24);
 - (b) an assessment of the noise impact resulting from the finalised community use of the school facilities on the site, including any out-of-hours community use, on the amenity of the occupants of adjoining and surrounding residential properties;
 - (c) all design related / operational mitigation measures (if any) to ensure that the noise generated by the operation of the premises do not adversely impact on the identified resident properties; and
 - (d) all mitigation and management measures in relation to the community uses to ensure that the acoustic amenity of all neighbouring residents are maintained at all times.

Operational Noise – General

- D26. The noise generated by the operation of the school and the community uses within the site must not exceed the noise limits in the Acoustic Assessment Report as updated by the conditions of this consent.
- D27. Prior to the operation of the development, the Applicant must submit evidence to the Certifier demonstrating that the mechanical plant, equipment and school bell and PA system mitigation measures required under condition B33 have been installed and are operational.
- D28. Prior to the operation of the development, the Applicant must submit evidence to the Certifier demonstrating that any noise mitigation measures required under condition B5 have been completed/installed/constructed.

Utilities and Services

- D29. Prior to commencement of operation, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council and submitted to the Certifier.

Stormwater Operation and Maintenance Plan

- D30. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan is to be submitted to the Certifier. The Stormwater Operation and Maintenance Plan must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Signage

- D31. Prior to the commencement of operation, the five non-illuminated business identification signs must be installed in accordance with the approved plans at condition A2.

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- D32. All signage must be contained within property boundaries and designed to meet the objectives of *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* (NSW DPE 2017).
- D33. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D34. 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

- D35. 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;
 - (d) confirm that all cardboard waste will be separated from landfill waste and recycled; and
 - (e) include the Management and Mitigation Measures included in the Applicant's Mitigation Measures Table at Appendix L in the RtS.

Biodiversity Management Plan

- D36. Prior to commencement of operation, a Biodiversity Management Plan must be prepared submitted to the Planning Secretary for approval. The Biodiversity Management Plan must be prepared in accordance with the following requirements:
- (a) prepared by a suitably qualified and experienced ecologist or bushland regeneration expert;
 - (b) prepared in consultation with EHG;
 - (c) comply with the relevant recommendations of the Biodiversity Development Assessment Report V8, prepared by Ecological Australia and dated 22 August 2022; and
 - (d) include targeted management actions for maintaining the nominated future vegetation integrity score for all partial impact zones assessed in the Biodiversity Development Assessment Report V8, prepared by Ecological Australia and dated 22 August 2022; and
 - (e) include a program to monitor and report on the effectiveness of the above measures which includes tailored, quantitative performance measures and targets, completion criteria, monitoring and trigger points for corrective action which adhere to the SMART principles (specific, measurable, achievable, realistic, timely).

Landscaping

- D37. 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 plans) approved under condition B1.
- D38. Prior to the commencement of operation, the Applicant must prepare an Operational 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;
 - (b) be consistent with the Applicant's Mitigation Measures Table at Appendix L in the RtS (with the exception of the impacted trees listed under the 'Tree Removal' measure, which have been superseded by the requirements of Conditions B1); and
 - (c) specify that if any of the trees planted die within 5 years of commencement of operation, that the dead trees will be replaced with the same species and size as specified in the approved landscape plans.

Operational Flood Emergency Management Plan

- D39. Prior the commencement of the operation, a Flood Emergency Management Plan must be submitted to the Certifier that:

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- (a) has been prepared by a suitably qualified and experienced person(s);
- (b) has been prepared in consultation with NSW State Emergency Service (SES) noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;
- (c) incorporates and complies with all advice provided by NSW SES at D39(b);
- (d) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);
- (e) incorporates the following:
 - (i) the flood emergency management protocols for operational phase of the development;
 - (ii) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students and visitors;
 - (iii) details strategies such as early or pre-emptive school closure, and other management requirements where relevant and where consistent with NSW SES advice;
 - (iv) provides clear emergency management triggers and responses;
 - (v) details of flood warning time and flood notification;
 - (vi) details assembly points and routes where required;
 - (vii) identifies clear roles and responsibilities for emergency flood management within the school;
 - (viii) recognise that the NSW SES is the lead combat agency for floods and state that any flood response directive issued by the NSW SES must be followed;
 - (ix) provide clear messaging and communication protocols;
 - (x) includes clear requirements that the Plan be regularly reviewed; and
 - (xi) include details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members.

D39A. Notwithstanding the requirements of Condition D39, an Interim Flood Emergency Management Plan must be submitted to the Certifier, and must be implemented, for the duration of the school operation that occurs prior to the completion of the flood mitigation works, as identified in Condition D5. The interim Flood Emergency Response Management Plan is to:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with the NSW State Emergency Service noting the limitations described in the NSW Floodplain Development Manual Appendix, section N7;
- (c) Set out actions which would need to be undertaken by staff in the instance of both long-duration riverine and short-duration local catchment type flood events;
- (d) Include in the event of inundation, the George Street entry of the school and Building E Indigenous Learning Centre is closed off for access, and alternate entry on Mitchell Street is used;
- (e) Regularly exercised, reviewed and updated to ensure workers are aware of the procedure and that it remains current and relevant and ensure consistency with contemporary emergency management arrangements relevant to the area;
- (f) Consider the emergency management needs and implications for the wider school community in the lead up and during flooding; and
- (g) Include details of the temporary and permanent fencing around overland flow area that have the potential to hold stagnant water.

D40. A copy of the Operational Flood Emergency Management Plan (required by condition D39) or the Interim Operational Flood Emergency Management Plan (required by condition D39A) must be provided to the Planning Secretary within 7 days when requested.

D40A. The Interim Flood Emergency Management Plan in Condition D39A must be implemented until the flood mitigation works identified in Condition D5 have been completed and are operational. Following the completion and operation of the flood mitigation works identified in Condition D5, the Operational Flood Emergency Management Plan in Condition D39, must be implemented for the lifetime of the development.

Site Contamination

D41. Prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement to the Planning Secretary and Certifier accompanied by an Environmental

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Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan.

Noise Mitigation Measures – 41 George Street

- D42. Prior to the commencement of operation, or other timeframe agreed by the Planning Secretary, the noise mitigation measures required by condition B5 and B6 including the installation of fencing must be completed to the satisfaction of an appropriately qualified acoustic consultant.

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PART E POST OCCUPATION

Public Art

- E1. Within six months of the completion of construction or other timeframe agreed to by the Planning Secretary, the public artwork(s) must be installed and completed in accordance with the approved Public Art Plan (condition D6).

Out of Hours Event Management Plan

- E2. 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 school facilities identified for community use, where applicable, restricting use before 8am and after 10pm, as well as ensuring that attendees of events have the left school site before 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 to ensure compliance with *Noise Policy for Industry* (2017).
- E3. The Out of Hours Event Management Plan (School Use) must be implemented by the Applicant for the duration of the identified events or use.
- E4. 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 facilities identified for community use, where applicable, restricting use before 8am and after 10pm, as well as ensuring that attendees of events have the left school site before 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 to ensure compliance with *Noise Policy for Industry* (2017).
- E5. 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.

Operational Noise Limits

- E6. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Acoustic Assessment Report as updated by the conditions of this consent.

School Use Operational Noise – Monitoring

- E7. Within six months of the commencement of the use of the development, the Applicant must undertake an operational noise monitoring program of noise associated with school use and submit a report of the outcome of the monitoring to the Planning Secretary for approval. The monitoring program must comprise short term operational noise monitoring in accordance with the *Noise Policy for Industry* (2017) carried out by an appropriately qualified acoustic consultant.

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- E8. The monitoring report (School Use) must verify that the operational noise levels do not exceed the recommended noise levels for the uses within the site (including mechanical plant, school bell and PA system, outdoor play areas, general school noise and car parking area) identified in Acoustic Assessment Report as updated by the conditions of this consent.
- E9. Should the noise monitoring identify any exceedance of the recommended noise levels of the Acoustic Assessment Report, the Applicant must include an addendum to the monitoring report (School Use) with additional noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide additional attenuation measures at the affected noise sensitive receivers, so that operational noise levels do not exceed the recommended noise levels. The additional noise mitigation measures must be approved by the Planning Secretary and be implemented on the site within two months of such approval.

Community Use Operational Noise – Monitoring

- E10. Where directed by the Planning Secretary, the Applicant must undertake an operational noise monitoring program of noise associated with the community use and submit a report of the outcome of the monitoring to the Planning Secretary for approval within 4 months of the direction being given by the Planning Secretary. The monitoring program must comprise short term operational noise monitoring in accordance with the *Noise Policy for Industry* (2017) carried out by an appropriately qualified acoustic consultant.
- E11. The monitoring report (Community Use), if required by Condition E10, must verify that the operational noise levels associated with community use do not exceed the recommended noise levels for the uses within the site (including use of buildings and outdoor sports field, mechanical plant, PA system and car parking area) identified in the Acoustic Assessment Report as updated by the conditions of this consent.
- E12. Should the noise monitoring identify any exceedance of the recommended noise levels, the Applicant must include an addendum to the monitoring report (Community Use) with additional noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide additional attenuation measures at the affected noise sensitive receivers, so that operational noise levels do not exceed the recommended noise levels. The additional noise mitigation measures must be approved by the Planning Secretary and be implemented on the site within two months of such approval.

Operation of Plant and Equipment

- E13. 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

- E14. 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.

Unobstructed Driveways and Parking Areas

- E15. 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.

Ecologically Sustainable Development

- E16. Unless otherwise agreed by the Planning Secretary, within 12 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 B17, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- E17. Notwithstanding condition D7, 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.

Community Communication Strategy

- E18. The Community Communication Strategy, as submitted to the Certifier, must be implemented for a minimum of 12 months following the completion of construction.

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Environmental Management Plan

- E19. Upon completion of remediation works, the Applicant must manage the site in accordance with the Environmental Management Plan approved by the Site Auditor (if any) under condition D41 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

Maintenance Access

- E20. Fenced and secure areas containing services, utilities and/or Council assets must be made accessible to the relevant service and utility provider and Council, with arrangements to facilitate access.

Implementation of Various Operational Management Plans

- E21. The following operational management plans (and any updates to those plans), must be implemented and adhered to at all times by the Applicant following the first occupation and for the duration of the occupation of the development:
- (a) School Travel Plan (condition D23). In addition, the School Travel Plan must be updated annually unless otherwise agreed by the Planning Secretary having regard to evidence as to why an annual review and update is no longer required;
 - (b) Operational Management Plan (condition D24);
 - (c) Stormwater Operational Management Plan (condition D30);
 - (d) Operational Waste Management Plan (condition D35);
 - (e) Biodiversity Management Plan (condition D36);
 - (f) Operational Landscape Management Plan (condition D38); and
 - (g) Operational Flood Emergency Management Plan (condition D39).

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 emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 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.