

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

16 May 2023

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-41306367

Applicant: Department of Education

Consent Authority: Minister for Planning

Site: **Lot 100 DP1307041**, 28 Wallarah Circuit, Gregory Hills

Development: **Staged** construction and operation of a new primary school at Gregory Hills including construction of three new buildings, landscaping and outdoor play and learning areas, parking, pedestrian infrastructure improvement, and retention of works from temporary school comprising OSD basins, **car park** and hard stand waste storage area.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-41306367-Mod-1	15 June 2023	Team Leader School Infrastructure Assessments	Amendment to Condition A17 regarding Bushfire Attack Level (BAL) requirements.
SSD-41306367-Mod-2	7 March 2024	A/Director Social and Infrastructure Assessments	Amendment to allow staged construction and operation, retain the existing carpark in the north-eastern corner and amend the waste storage area, reduction of the footpath width of part of Wallarah Circuit and reduction in the number of short stay parking spaces on Long Reef Circuit.
SSD-41306367-Mod-3	18 September 2024	Team Leader Social Infrastructure Assessments	Amendments to landscaping including relocation of the sports field further south, and the subsequent changes to earthworks, stormwater and building design.

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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.
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
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
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 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; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	Camden 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

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Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities as specified in Schedule 1, 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
EIS	The Environmental Impact Statement titled Environmental Impact Statement State Significant Development (41306367) New Primary School at Gregory Hills, prepared by DFP Planning dated 4 November 2022, 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 2021 [Note: in line with the savings and transitional provisions of Schedule 6 sections (2) & (3) of the EP&A Reg 2021]
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
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

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Management and mitigation measures	The management and mitigation measures set out in Appendix 6 Version 2 of SSD-41306367-Mod-3 dated July 2024
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.
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
NSW RFS	New South Wales Rural Fire Service
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>
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
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
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

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Temporary works	Temporary works related to DA2022/742/1 approved by Council on 11 October 2022
TfNSW	Transport for New South Wales
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

FOR INFORMATION

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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, Response to Submissions, supplementary information dated 5 April 2023, [SSD-41306367-Mod-1](#), [SSD-41306367-Mod-2](#) and [SSD-41306367-Mod-3](#);
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by <i>Bennett and Trimble</i>			
Dwg No.	Rev	Name of Plan	Date
SSDA.03	H	Site Plan - GF	26/06/24
SSDA.04	F	Site Plan – L1	26/06/24
SSDA.05	F	Site Plan – L2	26/06/24
SSDA.06	F	Site Plan - Roof	26/06/24
SSDA.07	E	GA – Ground Level	26/06/24
SSDA.08	D	GA – Level 1	14/02/23
SSDA.09	D	GA - Level 2	14/02/23
SSDA.10	D	GA - Roof	14/02/23
SSDA.11	D	Elevations	14/02/23
SSDA.12	D	Elevations	14/02/23
SSDA.13	D	Site Sections	14/02/23
SSDA.14	D	Signage	14/02/23
SSDA.15	D	Material Schedule	14/02/23
SSDA.17	C	Temporary School Retention Plan	25/10/23
Landscape Plans prepared by <i>Taylor Brammer Landscape Architects</i>			
Dwg No.	Rev	Name of Plan	Date
GH_LA_SSDA_1000	10	Landscape Concept Plan	04/07/24
GH_LA_SSDA_1001	10	Landscape Precedents Plan	04/07/24
GH_LA_SSDA_1002	10	Landscape Section Elevations	04/07/24
GH_LA_SSDA_1003	10	Landscape Section Elevations	04/07/24
GH_LA_SSDA_1004	10	Landscape Planting Strategy	04/07/24
GH_LA_SSDA_1005	10	Landscape Planting Strategy	04/07/24
Staging Plans by <i>Lipman</i>			
Dwg No.	Rev	Name of Plan	Date
LIP-002	G	Current Plan	9/11/23
LIP-003	G	Stage 1 Handover Plan	9/11/23

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LIP-004	G	Stage 2 Handover Plan	9/11/23
LIP-005	G	Stage 3 Handover Plan	9/11/23
LIP-006	H	Infrastructure Works	29/02/24

- 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.

Prescribed Conditions

- A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

Planning Secretary as Moderator

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

Evidence of Consultation

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

Staging

- A9. The project may be constructed in stages as determined in consultation and to the satisfaction of the Certifier.

Staging, Combining and Updating Strategies, Plans or Programs

- A10. The Applicant may:
- (a) prepare and submit any strategy, plan (including management 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);

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- (b) combine any strategy, plan (including management 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), 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).
- A11. Any strategy, plan or program prepared in accordance with condition A10, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A12. If the Planning Secretary agrees, a strategy, plan (including management 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.
- A13. Updated strategies, plans (including management 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

- A14. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

External Walls and Cladding

- A15. The external walls of all buildings must comply with the relevant requirements of the BCA.

External Materials

- A16. 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 the documentation given to the Certifier is provided to the Planning Secretary within seven days after the Certifier accepts it.

Design and Construction for Bush Fire and Hazards

- A17. **Design and construction of new buildings, numbered 3 and 4, as identified in Figure 17 of the Bushfire Hazard Assessment report prepared by BlackAsh and dated 28 October 2022 must comply with BAL 12.5 of Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas, and Sections 7.5 and 7.6 of Planning for Bush Fire Protection 2019.**
- A18. The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.

Applicability of Guidelines

- A19. 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.

- A20. 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

- A21. 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

- A22. At least 48 hours before the commencement of construction, 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.

Compliance

- A23. 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

- A24. 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.
- A25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A26. 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.
- A27. 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.
- A28. 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

- A29. Within three months of:
- (a) the submission of an incident report under condition A24;
 - (b) the submission of an Independent Audit under condition C38 or C40;
 - (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 A3 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.
- A30. 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.

Decommissioning of Temporary School

- A31. The following parts of the temporary school approved under DA2022/742/1 are to be retained within the project site:
- (a) the OSD basins in the north-western corner as identified on drawing SSDA.17 (Rev C) prepared by Bennett and Trimble and dated **25 October 2023**; and
 - (b) **the carpark and waste storage areas as identified on drawing SSDA.17 (Rev C) prepared by Bennett and Trimble and dated 25 October 2023.**

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

Certified Drawings

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

External Walls and Cladding

- B4. Prior to the commencement of 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 to the Planning Secretary within seven days after the Certifier accepts it.

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- B5. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

Pre-Construction Survey – Adjoining and Likely Impact to Properties

- B6. Prior to the commencement of construction, the Applicant must offer a pre-construction survey to owners of residential buildings that are likely to be impacted by the development.
- B7. Where the offer for a pre-construction survey is accepted (as required by condition B6), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- B8. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition B7, the Applicant must:
- (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary within 48 hours when requested.

Community Communication Strategy

- B9. No later than 48 hours before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and

businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

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

B10. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

- (a) registering for a minimum 5 star Green Star rating with the Green Building Council of Australia and submit evidence of registration to the Certifier; or
- (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

B11. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting to be installed within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Demolition

B12. Prior to the commencement of any demolition, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Construction Environmental Management Plan

B13. Prior to the commencement of construction **of any Stage**, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) 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 B9;
- (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;

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- (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 B15B15);
 - (e) Construction Noise and Vibration Management Sub-Plan (see condition B16);
 - (f) Construction Waste Management Sub-Plan (see condition B17);
 - (g) Construction Soil and Water Management Sub-Plan (see condition B18);
 - (h) Aboriginal Cultural Heritage Management Sub-Plan (see condition B19);
 - (i) Biodiversity Management Sub-Plan (see condition B20); and
 - (j) Construction Flood Emergency Management Plan (see condition B21);
- B14. A copy of the CEMP and any Sub Plans (including the current version and any final previous versions) must be provided to the Planning Secretary within 48 hours of being requested to do so.
- B15. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail:
 - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
 - (iii) heavy vehicle routes, access and parking arrangements;
 - (iv) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2; and
 - (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).
 - (vi) arrangements for sufficient parking facilities on-site for construction vehicles, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities;
 - (vii) a Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
 - minimise the impacts of earthworks and construction on the local and regional road network;
 - minimise conflicts with other road users;
 - minimise road traffic noise; and
 - ensure truck drivers use specified routes.
 - (viii) measures to mitigate conflicts with the temporary school, **Stage 1 and Stage 2 operation** drop-off/pick-up traffic and pedestrian movements during school peak hours.
 - (ix) **include measures outlined in the Construction Traffic Management Plan prepared by Ason Group and dated 27 October 2023.**
- B16. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;

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- (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition B16(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction;
 - (g) include measures to mitigate noise impacts to the operation of the temporary school, **Stage 1 and Stage 2**;
 - (h) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures; **and**
 - (i) **be consistent with the recommendations in the Construction Noise and Vibration Statement prepared by NDY and dated 27 October 2023.**
- B17. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste including the following:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use for materials to remain;
 - (b) information regarding the recycling and disposal locations; and
 - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- B18. The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) 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 wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (e) detail all off-site flows from the site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI and 1 in 100-year ARI.
- B19. The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties; and
 - (b) be prepared in accordance with the recommendations of the Cultural Heritage Management Plan prepared by Jacobs and dated 1 November 2022.
- B20. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person/s;

- (b) identify areas of land where impacts on biodiversity are to be avoided as outlined in the New Primary School – Gregory Hills Ecological Assessment Report prepared by Kleinfelder and dated 20 February 2023 and set out how these areas will be protected from construction impacts;
 - (c) set out the measures identified in the New Primary School – Gregory Hills Ecological Assessment Report prepared by Kleinfelder and dated 20 February 2023 to minimise, mitigate and manage impacts on biodiversity including pre-clearing surveys of vegetation as well as relocation of species where required and timing and responsibility for delivery of the measures;
 - (d) installation of Bushland Protection Fencing as required by condition B27;
 - (e) engagement of a qualified ecologist as required by conditions B22 and B23; and
 - (f) a protocol for unexpected finds of threatened species as required by condition C20.
- B21. The Construction Flood Emergency Management 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 Guide* (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;
 - (vi) awareness training for employees and contractors, and users/visitors; and
 - (vii) flood warning and notification procedures for construction workers on site.

Project Ecologist

- B22. Prior to commencement of vegetation removal, the Applicant must engage a qualified Ecologist. Details of the ecologist consultant including name, business name and contact details must be provided to the Certifier.
- B23. The ecologist consultant, as required by condition B22, must be commissioned to:
- (a) undertake any required targeted search for fauna prior to clearing;
 - (b) undertake a pre-clearing survey as required by condition B20 above;
 - (c) to delineate, map, tag and mark:
 - (i) habitat bearing trees and shrubs to be retained, removed or transplanted;
 - (ii) flora and fauna habitat features including but not limited to, determining the presence of any resident native fauna using nests, dreys, hollows or logs;
 - (d) supervise the clearance of trees and shrubs (native and exotic) in order to capture, treat and/or relocate any displaced native fauna to an appropriate nearby location;
 - (e) prior to tree removal, salvaged sections of any tree containing a hollow or habitat are to be placed within the bushland areas of the site; and
 - (f) inspect active nests and supervise their removal from site prior to development activities commencing, consistent with the National Parks and Wildlife Act 1974.

Tree Removal Works and Fauna Protection

- B24. All trees approved for removal must be lopped to minimise the risk of injury or mortality to fauna, such as top-down lopping, with lopped sections gently lowered to the ground, and/or by lowering whole trees to the ground with the 'grab' attachment of a machine.

Retention of Trees

- B25. All trees identified for retention on the Landscape Concept Plan prepared by Taylor Brammer and dated **31 October** 2023 are to be protected throughout the life of the development. Tree

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protection zone fencing, and all other tree protection measures are to be in place prior to any works commencing on site.

- B26. Retained trees are to be protected in accordance with the Tree Protection Plan (TPZ-01 Rev E) prepared by Lipman and dated **1 August 2024** and the Australian Standard 4970:2009 – Protection of Trees on Development Sites. A Level 5 (Australian Qualification Framework) must be on site to supervise any works within the Tree Protection Zone of any trees to be retained.
- B27. Prior to any works commencing on site temporary Bushland Protection Fencing must be in place around the tree protection zone identified on the Tree Protection Plan (TPZ-01 Rev D) prepared by Lipman and dated 10 March 2023. The temporary protection fence is to be a minimum chain-wire fence and be suitable to restricted unauthorised entry. The temporary fence is to stop the following occurring:
- (a) stockpiling of materials within significant bushland;
 - (b) placement of fill within significant bushland;
 - (c) parking of vehicles within significant bushland;
 - (d) compaction of soil within significant bushland;
 - (e) cement washout and other chemical or fuel contaminants within significant bushland; and
 - (f) damage to threatened plants and their habitat.

B27A. Prior to the commencement of any works associated with SSD-41306367-Mod-3, the temporary Bushland Protection Fencing (as identified in condition B27 above) must be adjusted to include the tree protection zone on the Tree Protection Plan (TPZ-01 Rev E) prepared by Lipman and dated 1 August 2024.

Construction Parking

- B28. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must include the following:
- (a) detail the provision of sufficient parking facilities onsite, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.
 - (b) encourage the use of other travel arrangements, where practical, to minimise traffic impacts in nearby public and residential streets.

Flood Management

- B29. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels must be no lower than the 1% Annual Exceedance Probability plus 500mm freeboard.

Operational Noise – Design of Mechanical Plant and Equipment

- B30. Prior to installation of mechanical plant and equipment:
- (a) a detailed assessment of the mechanical plant and equipment's compliance with the relevant operational noise levels as recommended in the New Primary School at Gregory Hills Noise and Vibration Impact Assessment prepared by Norman Disney and Young and dated 17 February 2023 must be undertaken by a suitably qualified person; and
 - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the New Primary School at Gregory Hills Noise and Vibration Impact Assessment prepared by Norman Disney and Young and dated 17 February 2023.

Operational Waste Storage

- B31. Prior to the commencement of construction of waste storage, 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 designed to ensure the waste storage area is vermin proof;
- (b) includes a water supply;
- (c) is naturally ventilated or an air handling exhaust system must be in place;
- (d) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins; and
- (e) must be screened from the public domain.

Bush Fire

B32. Prior to the commencement of construction, the Applicant must submit design plans to the Certifier which demonstrate that the proposed driveways comply with Table 6.8b of Planning for Bush Fire Protection 2019.

Landscaping

B33. Prior to the commencement of relevant construction, the Applicant must prepare and submit a revised Landscape Plan to manage the revegetation and landscaping works, to the satisfaction of the Planning Secretary. The plan must:

- (a) show the planting of only local provenance native species of Cumberland Plain Woodland to supplement groundcovers, shrubs and canopy species within the retained Cumberland Plain Woodland patch to a distance of 10 metres to where landscaping is proposed;
- (b) the plant schedule within and around the Cumberland Plain Woodland is to be at a diversity and density commensurate with Vegetation Condition Benchmarks of this ecological community; and
- (c) be compliant with Appendix 4 of Planning for Bushfire Protection 2019.

Notes:

- *Vegetation Condition Benchmarks can be found via the Bionet Vegetation Classification application. More information is available at <https://www.environment.nsw.gov.au/topics/animals-and-plants/native-vegetation/vegetation-condition-benchmarks>.*

Road and Pedestrian Infrastructure Upgrade Works

B34. Prior to the commencement of construction of road and pedestrian infrastructure upgrade works, the Applicant must submit plans and technical specification for the following works to the satisfaction of the relevant roads authority:

- (a) new pedestrian crossings on the two intersections of Long Reef Circuit and Wallarah Circuit;
- (b) new pedestrian crossing on Kavanagh Street; and
- (c) widening of the footpath along Wallarah Circuit to 3 metres **from the eastern edge of the Support Learning Students short stay parking to the intersection of Long Reef Circuit.**

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 138 of the 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.*

B35. Prior to the commencement of any footpath or public domain works, including those listed in condition B34 above, the Applicant must submit evidence to the Certifier that the streetscape design and treatment meet the requirements of Council. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Operational Access, Car Parking and Service Vehicle Arrangements

B36. Prior to the commencement of construction of operational parking and access facilities, evidence of compliance of the design of operational parking and access arrangements with the following requirements must be submitted to the Certifier:

- (a) a minimum of 60 on-site car parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
- (b) the swept path of the largest service vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2.

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.

Demolition

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B12.

Construction Hours

- C4. 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 5pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding condition C4, 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.
- C6. Construction activities may be undertaken outside of the hours in condition C4 [and C5] 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) for the delivery, set-up and removal of construction cranes, where notice of the crane-related works is provided to the Planning Secretary and to affected residents at least seven days prior to the works; or
 - (e) where a variation is approved in advance in writing by the Planning Secretary or their nominee if appropriate justification is provided for the works.
- C7. Notification of such construction activities as referenced in condition C6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. 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

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of CEMP (including Sub-Plans).

Construction Traffic

- C10. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- C11. 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

- C12. 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

- C13. 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.
- C14. 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 C4.
- C15. 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

- C16. 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).
- C17. 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 C16.
- C18. The limits in conditions C16 and C17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, required as part of the CEMP required by condition B16 of this consent.

Tree Protection

- C19. For the duration of the construction works:

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- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the New Primary School – Gregory Hills Arboricultural Impact Assessment Report prepared by Raintree Consulting and dated 7 October 2022, **Arboricultural Impact Assessment & Tree Protection Plan (amended landscape design including re-alignment of internal footpath) prepared by Redgum horticultural and dated 5 August 2024** and the Tree Protection Plan (TPZ-01 Rev E) prepared by Lipman dated **1 August 2024**; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Unexpected Finds Protocol – threatened species

C20. If any unexpected threatened species are found on site during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to EHG and the Planning Secretary;
- (b) depending on the type of species, a flora and fauna biodiversity assessment and management strategy may be required before further works can continue in that area as determined in consultation with EHG; and
- (c) works may only recommence with the written approval of the Planning Secretary.

Reuse of Removed Trees

C21. The Applicant must where practical reuse any native trees that are removed as part of the proposal, including tree trunks which are greater than 25-30 centimetres in diameter and 2-3 metres in length, and root balls to enhance habitat. If removed native trees are not able to be entirely re-used, the Applicant should consult with local community restoration/rehabilitation groups, Landcare groups, and relevant public authorities including Council, and Greater Sydney Local Land Services to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This detail including consultation with community groups and their responses must be documented.

Air Quality

C22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C23. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Imported Fill

C24. The Applicant must:

- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier and/or the Planning Secretary within seven days upon request.

Disposal of Seepage and Stormwater

C25. 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

C26. 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

C27. Within three months of the commencement of construction, or other timeframe agreed in writing by the Planning Secretary, 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 RtS;
- (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

C28. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Management Plan prepared by Jacobs and dated 1 November 2022 and the Aboriginal Cultural Heritage Management Sub-Plan required by condition B19.

Unexpected Finds Protocol – Aboriginal Heritage

C29. In the event that surface disturbance identifies a new Aboriginal object:

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

Unexpected Finds Protocol – Historic Heritage

C30. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;

- (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

Waste Storage

- C31. 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.
- C32. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C33. 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.
- C34. 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.
- C35. 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.
- C36. The Applicant must contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the Certifier and Council.

Outdoor Lighting

- C37. 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.

Independent Environmental Audit

- C38. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C39. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C40. 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.
- C41. 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 C38C38 of this consent, or condition C40 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.
- C42. 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.
- C43. 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

- C44. 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.
- C45. Operational readiness work must only be undertaken in accordance with the details submitted under condition C44 and the following requirements:
- (a) no more than 15 staff (depending on site constraints) are to be involved in operational readiness work;
 - (b) no students or parents are permitted; and
 - (c) the Applicant has implemented appropriate arrangements to ensure the safety of school staff.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

- D1. At least **48 hours** before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing.

External Walls and Cladding

- D2. Prior to commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, 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 to the Planning Secretary a copy of the documentation given to the Certifier within seven days after the Certifier accepts it.

Works as Executed Plans

- D4. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, works-as-executed plans signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Warm Water Systems and Cooling Systems

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

Outdoor Lighting

- D6. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Mechanical Ventilation

- D7. Prior to commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

- D8. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B30 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended operational noise levels identified in the New Primary School at Gregory Hills

Noise and Vibration Impact Assessment prepared by Norman Disney and Young and dated 17 February 2023.

Fire Safety Certification

- D9. Prior to commencement of occupation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, 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

- D10. Prior to the commencement of occupation of the relevant parts of any new buildings, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, 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

- D11. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, 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

- D12. Prior to the commencement of operation **of Stage 3**, 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 B5 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 within 48 hours when requested.

Repair of Public Infrastructure

- D13. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
 - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

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

Road Damage

- D14. Prior to the commencement of operation **of the final stage**, 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

- D15. Where a pre-construction survey has been undertaken in accordance with condition B7, prior to the commencement of operation **of the final stage**, the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition B7;
 - (b) be provided to the owner of the relevant buildings surveyed;
 - (c) be provided to the Certifier; and
 - (d) be provided to the Planning Secretary within 48 hours when requested.
- D16. 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.

Public Domain Works and School/Pedestrian Crossing Facilities

- D17. Prior to the commencement of operation **of Stage 2**, the Applicant must complete the footpaths, pedestrian crossings and associated infrastructure, as approved by condition B34, in accordance with relevant design standards and warrants, and to the satisfaction of the relevant roads authority.

Car Parking Arrangements

- D18. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, evidence must be submitted to the Certifier that demonstrates that:
- (a) construction works associated with the proposed 60 on site car parking spaces **in the south-western car park accessed off Wallarah Circuit**, have been completed and that the constructed car parking facility is operational;
 - (b) works associated with the drop-off/pick-up area to create 3 drop-off/pick-up parking bays for Support Learning Students have been completed and is operational;
 - (c) the **14** short stay parking bays on Long Reef Circuit are operational; **and**
 - (d) **construction works associated with the proposed 27 on site car parking spaces in the north-eastern car park accessed off Long Reef Circuit, have been completed and that the constructed car parking facility is operational.**

Bicycle Parking and End-of-Trip Facilities

- D19. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, 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 60 bicycle parking spaces;
 - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
 - (c) the provision of end-of-trip facilities for staff; and
 - (d) appropriate pedestrian and cyclist advisory signs are to be provided.

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

School Zones

- D20. Prior to the commencement of **any** operation, all required School Zone signage, speed management signage and associated pavement markings along surrounding streets 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.

- D21. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

School Transport Plan

- D22. Prior to the commencement of **any** operation, a School Transport Plan (STP), 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 mode share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation);
 - (ii) specific tools and actions to help achieve the objectives and mode share targets;
 - (iii) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
 - (c) include operational transport access management arrangements, including:
 - (i) detailed pedestrian analysis including the identification of safe route options to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
 - (ii) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
 - (iii) the location and operational management procedures of the drop-off and pick-up parking, including staff management/traffic controller arrangements;
 - (iv) the location and operational management procedures for the drop-off and pick-up of students by buses and coaches including staff management/traffic controller arrangements;
 - (v) delivery and services vehicle and bus access and management arrangements;
 - (vi) management of approved access arrangements;
 - (vii) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off and pick-up zones;
 - (viii) car parking arrangements and management associated with the proposed use of school facilities by community members;
 - (ix) bicycle parking arrangements to ensure sufficient parking is provided to support mode share targets and changing demand over time; and
 - (d) measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the plan; and
 - (e) a monitoring and review program.

Utilities and Services

- D23. Prior to commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Stormwater Operation and Maintenance Plan

- D24. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Signage

- D25. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, way-finding signage and signage identifying the location of staff car parking must be installed.
- D26. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Operational Waste Management Plan

- D27. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in **Appendix C of the supplementary information to SSD-41306367-Mod-2 dated March 2024**.

Landscaping

- D28. Prior to the commencement of operation, **or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024**, landscaping of the site must be completed in accordance with the revised Landscape Plan required by condition B33.
- D29. Prior to the commencement of **any** operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site (including the Cumberland Plain Woodland) and submit it to the satisfaction of the Planning Secretary. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping;

- (b) be consistent with the Applicant's Management and Mitigation Measures at [Appendix C of the supplementary information to SSD-41306367-Mod-2 dated March 2024](#); and
 - (c) outline the management measures for weed removal and planting maintenance including:
 - (i) all priority weeds within the conserved Cumberland Plain Woodland shall be removed within 1 year of commencement of works, using standard bush regeneration techniques to support the recovery of this remnant; and
 - (ii) all ongoing weed removal shall be undertaken within the Cumberland Plain Woodland for a minimum of 5 years by a suitably qualified Bush Regeneration Contractor to support the plants within this zone.
- D30. Prior to commencement of operation, [or generally in accordance with the relevant stage outlined in the Preliminary Staging Report prepared by DFP Planning and dated 4 March 2024](#), tree shrub and groundcover replacement planting must be undertaken in accordance with the updated landscape plan required under this consent and any relevant conditions of approval. The plant species, pot size and diversity/number of replacement is to be in accordance with the planting schedule within the landscape plans as required under this consent. Plants are to be maintained for a minimum of 5 years and replacement plants are to be provided where required.

Asset Protection Zones

- D31. Prior to the commencement of [any](#) operation, the entire property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

Evacuation and Emergency Planning

- D32. Prior to the commencement of operation [of each stage](#), a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

- D33. At least two months prior to [any](#) operation, the Applicant must prepare an Emergency Plan and establish emergency procedures to manage emergency scenarios associated with pipeline release.

Operational Flood Emergency Management Plan

- D34. Prior to the commencement of [any](#) operation, a Flood Emergency Management Plan must be submitted to the Certifier that:
- (a) has been prepared by a suitably qualified and experienced person(s);
 - (b) has been prepared in consultation with Council;
 - (c) has been prepared in consultation with NSW State Emergency Service noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;
 - (d) incorporates and complies with all advice provided by NSW State Emergency Service at D34D34(c);
 - (e) addresses the provisions of the *Floodplain Risk Management Guide* (EHG);
 - (f) 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 SES advice;
 - (iv) provides clear emergency management triggers and responses;

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- (v) details of flood warning time and flood notification;
 - (vi) details assembly points and flood free 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 SES must be followed;
 - (ix) provide clear messaging and communication protocols;
 - (x) includes clear requirements that the Plan be regularly reviewed; and
 - (g) include details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members.
- D35. A copy of the Flood Emergency Management Plan (required by condition D34) must be provided to the Planning Secretary for information.

PART E POST OCCUPATION

Out of Hours Use

- E1. Use of the oval outside of the hours of operation detailed in the EIS is not permitted unless an appropriately qualified acoustic consultant has carried out an assessment of the out of hours use. The assessment must verify that the operational criteria noise limits in the New Primary School at Gregory Hills Noise and Vibration Impact Assessment prepared by Norman Disney and Young and dated 17 February 2023 would not be exceeded and include additional mitigation measures where required. Prior to the first out of hours use commencing, a copy of the out of hours noise assessment must be provided to the Planning Secretary for information.

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 hall and any outdoor facilities where applicable, restricting use before 8am and after 10pm, as well as ensuring that attendees of events have left the 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 and to ensure compliance with condition E9.
- 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 hall and any other school facilities where applicable, restricting use before 8am and after 10pm, as well as ensuring that attendees of events have left the 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.

Operation of Plant and Equipment

- E6. All plant and equipment used on site must be maintained in a proper and efficient condition, and operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- E7. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Community Communication Strategy

- E8. The Community Communication Strategy submitted to the Certifier, must be implemented for a minimum of 12 months following the completion of construction.

Operational Noise Limits

- E9. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the New Primary School at Gregory Hills Noise and Vibration Impact Assessment prepared by Norman Disney and Young and dated 17 February 2023.
- E10. Within two months of the commencement of use of the development or other timeframe agreed to by the Planning Secretary, short term noise monitoring must be undertaken in accordance with the *Noise Policy for Industry* (2017) by an appropriately qualified person where valid data is collected following the commencement of use. A monitoring report must be submitted to the Planning Secretary within two months of commencement of use, or other timeframe agreed to by the Planning Secretary, to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the New Primary School at Gregory Hills Noise and Vibration Impact Assessment prepared by Norman Disney and Young and dated 17 February 2023. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- E11. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

School Transport Plan

- E12. The School Transport Plan required by condition D22 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- E13. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5 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 B10, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- E14. Notwithstanding condition C37, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

- E15. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D29 for the duration of occupation of the development.

Weed removal and planting maintenance

E16. Weed removal and landscape management needs to be in accordance with the Landscape Management Plan in D29.

Asset Protection Zones

E17. The asset protection zones required by condition D31 shall be maintained for the duration of occupation of the development.

Bush Fire Emergency Management and Evacuation Plan

E18. The site must be managed and operated in accordance with the Bush Fire Emergency Management and Evacuation Plan required by condition D32.

Signage

- E19. All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development.
- E20. The illumination of signage, signage up-lighting and LED screen/s must be switched off between 6pm and 6am during Australian Eastern Standard Time, and 8pm and 6am during Australian Eastern Daylight Time, unless otherwise agreed by the Planning Secretary.
- E21. The lighting to be used in connection with approved signage including the LED screen must comply with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting*.
- E22. The LED sign must not:
- (a) dazzle or distract drivers due to colouring of the digital content;
 - (b) be able to be mistaken for a traffic signal because the digital content has, for example, red, amber, or green circles, octagons, crosses or triangles;
 - (c) be able to be mistaken as an instruction to drivers;
 - (d) display advertising or messages which contain fully animated or video/movie style advertising or images;
 - (e) display advertising material unrelated to the school;
 - (f) be used for any live television, satellite, internet or similar broadcast;
 - (g) emit sound; and
 - (h) must have a default setting that will display an entirely black display area when no content is being displayed or if a malfunction occurs.

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 \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation 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:

- (i) a copy of the conditions of consent;
- (j) the proposed school commencement/opening date;

- (k) 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 A24 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.