

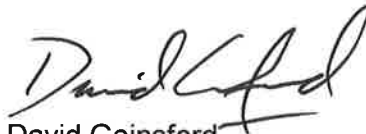
Development consent

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

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



David Gainsford
Executive Director
Priority Projects Assessments

Sydney 13th July . 2018

SCHEDULE 1

Application No.:	SSD 7503
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning
Land:	47-53 Jones Street, Ultimo (Lots 101 in DP1105527)
Development:	Construction of Ultimo Pymont Public school, comprising: <ul style="list-style-type: none">• Bulk earthworks, excavation, structural measures and foundation works• Construction of a new public school for up to 800 students (from Kindergarten to Year 6) including: 30 homebase classrooms; three special programs rooms; library; community hall; indoor and outdoor play spaces and landscaping; afterschool care facilities; and multi-function spaces for school use including rooftop sports court, and afterhours and weekend use by the wider community• Tree removal• Associated and ancillary infrastructure works (including new substation) and connections• Shell space for a 40-space child care centre• Relocation of light pole and parking spaces on Wattle Street and extension of drop-off and pick-up area on Jones Street.

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>
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent, as defined under Schedule 1 of this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2 of this consent
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
Building works	Any physical activity involved in the erection of a building which is above ground level.
CEMP	Construction Environmental Management Plan
Certification of Crown	Certification under section 6.28(2) of the EPP&A Act
Certifier	Means a council or accredited certifier
Conditions of this consent	The conditions contained in Schedule 2 of this document.
Construction	All physical work required to construct the development, including but not limited to inground works, finishes, landscaping and public domain works, signage and other infrastructure but excluding early works covered by this consent
Council	City of Sydney
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Scheme (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS, Response to Submissions and Response to Submissions Addendum, including the works and activities comprising construction and operation of the Ultimo Pyrmont Public School, as modified by the conditions of this consent.
DIP	Design Integrity Panel
Early works	Includes: <ul style="list-style-type: none"> • survey works including general alignment survey and survey controls (including installation of global positioning system (GPS), repeater stations, survey of existing and future utilities or building/road dilapidation surveys; • further investigations including investigative drilling or salvage; • establishing temporary construction work sites, including the establishment of all-weather access roads, site offices, isolation fencing and the provision of services to the facility; and • the provision of or relocation of utilities, as well as minor adjustments to services/ utilities.
Environmental Impact Statement (EIS)	<i>State Significant Development – Development Application - Environmental Impact Statement – New Ultimo Pyrmont Public School SSD 7503</i> , prepared by Roberts Day and dated October 2017
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>

EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, movable object, tree or precinct of heritage significance, that is listed under any of the following: the State Heritage Register under the Heritage Act, a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , a Local Environmental Plan under the EP&A Act, 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: <ul style="list-style-type: none"> a) causes, or threatens to cause material harm to the environment; or b) results in non-compliance with this consent. <p><i>NOTE: "Harm" is defined in this consent.</i></p>
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	Minister for Planning, or nominee
NCC	National Construction Code
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	Office of Environment and Heritage, or its successor
Operation	The operation of the development for its approved purpose upon completion of construction
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Planning Secretary's approval, agreement or satisfaction	A written approval from the Planning Secretary (or nominee/delegate). Where the Planning Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Planning Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Planning Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one-month period.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Principal Certifier	For building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act or for the subdivision work under section 6.12(1) of the EP&A Act
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Response to Submissions (RtS)	<i>SSD 7503 – SSD DA – New Ultimo – Pymont Public School Response to Submissions</i> , prepared by Roberts Day and dated 26 March 2018
Response to Submissions Addendum (RtS Addendum)	<i>New Ultimo Pymont Public School – SSD DA Response to the Response to Submissions</i> , prepared by Roberts Day (undated)

RMS	Roads and Maritime Services Division, Department of Transport, or its successor
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Subject Site	47-53 Jones Street, Ultimo (Lots 101 in DP1105527)
TfNSW	Transport for NSW, or its successor
Zone of Influence	The horizontal distance from the edge of the excavation Site or any construction zone (including on-Site haulage routes) to twice the maximum excavation depth.

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:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Planning Secretary;
 - in accordance with the EIS and Response to Submissions and RtS Addendum;
 - in accordance with the approved plans in the table below:

Architectural Plans prepared by <i>DesignInc/Lacoste+Stevenson/bmc2</i>			
Dwg No.	Rev	Name of Plan	Date
DA-00000	D	COVER SHEET & PROPOSED SITE PLAN	23/03/2018
DA-01300	C	AREA PLANS	19/03/2018
DA-02000	D	CARPARK PLAN	23/03/2018
DA-02010	D	GROUND PLAN	23/03/2018
DA-02011	D	LEVEL 1 PLAN	23/03/2018
DA-02012	D	LEVEL 2 PLAN	23/03/2018
DA-02013	D	LEVEL 3 PLAN	23/03/2018
DA-02014	D	LEVEL 5 PLAN	23/03/2018
DA-02015	C	ROOF PLAN	19/03/2018
DA-03000	C	NORTH ELEVATION	19/03/2018
DA-03001	C	EAST ELEVATION	19/03/2018
DA-03002	C	SOUTH ELEVATION	19/03/2018
DA-03003	C	WEST ELEVATION	19/03/2018
DA-04000	D	SECTIONS LOOKING NORTH	23/03/2018
DA-04001	D	SECTIONS LOOKING EAST	23/03/2018
SK-DA-01	A	CARPARK OUTDOOR PLAY PLAN	15/03/2018
SK-DA-02	A	GROUND OUTDOOR PLAY PLAN	15/03/2018
SK-DA-03	A	LEVEL 1 OUTDOOR PLAY PLAN	15/03/2018
SK-DA-04	A	LEVEL 2 OUTDOOR PLAY PLAN	15/03/2018
SK-DA-05	A	LEVEL 3 OUTDOOR PLAY PLAN	15/03/2018
SK-DA-06	A	LEVEL 4 OUTDOOR PLAY PLAN	15/03/2018
Landscape Plans prepared by <i>DesignInc/Lacoste+Stevenson/bmc2</i>			
Dwg No.	Rev	Name of Plan	Date
LA-0000	D	COVER SHEET AND DRAWING REGSITER	23/10/2017
LA-0002	D	LANDSCAPE PLAN-LOWER PLAYGROUND	23/10/2017
LA-0003	D	LANDSCAPE PLAN-MIDDLE PLAYGROUND	23/10/2017
LA-0004	D	LANDSCAPE PLAN-UPPER PLAYGROUND	23/10/2017
LA-0005	D	LANDSCAPE PLAN-COLA	23/10/2017
LA-0010	B	PLANTING PALETTE	23/10/2017
LA-0011	B	PLANTING PALETTE	23/10/2017
LA-0012	B	PLANTING PALETTE	23/10/2017
Earthworks Plans prepared by <i>Taylor Thomson Whitting</i>			
Dwg No.	Rev	Name of Plan	Date
C004	B	BULK EARTHWORKS CUT TO FILL PLAN	27/02/2018

Stormwater Management Plans prepared by Taylor Thomson Whitting			
Dwg No.	Rev	Name of Plan	Date
C005	3	CONCEPT STORMWATER MANAGEMENT PLAN SHEET 1 OF 3	23/10/2017
C006	1	CONCEPT STORMWATER MANAGEMENT PLAN SHEET 2 OF 3	13/09/2017
C007	1	CONCEPT STORMWATER MANAGEMENT PLAN SHEET 3 OF 3	13/09/2017

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; and
- b) the implementation of any actions or measures contained in any such document referred to in (a) above.

The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Inconsistency between documents

A4. If there is any inconsistency between the plans and documentation referred to above the most recent document must prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Staging of the development

A5. With the approval of the Planning Secretary, the Applicant may:

- a) prepare and submit any strategy, 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 or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and 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).

If the Planning Secretary agrees, a strategy, 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.

If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Evidence of consultation

- A6. 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 to the Planning Secretary for approval; and
 - b) provide details of the consultation undertaken including:
 - i) a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
 - ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Design Quality Excellence

- A7. In order to ensure the design quality excellence of the development is retained:
- a) the design architect (Designinc + LacosteStephenson + bm2) is to have direct involvement in the design documentation, contract documentation and construction of the development;
 - b) the design architect is to have full access to the Site and is to be instructed by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the development; and
 - c) evidence of the design architect's commission is to be provided to the Planning Secretary prior to certification of any building works, except for Site preparatory works.
- A8. The design architect for the project must not change without prior approval of the Planning Secretary.
- A9. To ensure design integrity is maintained, approval of the DIP is required where any significant design change is required, including substitution of approved materials, or design changes to other elements identified as critical in the DIP reports. A copy of any approval issued by the DIP must be provided to the Certifying Authority and the Planning Secretary.

Lapsing of approval

- A10. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A11. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

- A12. 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.

Long Service Levy

- A13. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

- A14. Any advice or notice to the consent authority must be served on the Planning Secretary.

Compliance

A15. The Applicant must ensure that all 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.

Revision of Strategies, Plans and Programs

A16. The strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out, within three months of:

- a) the submission of an Annual Review under this consent;
- b) the submission of a compliance report under this consent;
- c) the submission of an incident report under this consent;
- d) the submission of an Independent Environmental Audit under this consent;
- e) the approval of any modification to the conditions of this consent; or
- f) the issue of a direction of the Planning Secretary under Condition A2.

A17. If necessary to either improve the environmental performance of the development, cater for a modification of comply with a direction, the strategies, plans and programs required under this consent must be revised and submitted:

- a) to the Planning Secretary's satisfaction if previously approved by the Planning Secretary; or
- b) to the Planning Secretary for information.

Where revisions are required, the revised document must be submitted to the Planning Secretary within six weeks of the review.

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

Incident Notification, Reporting and Response

A18. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au 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.

- a) A written incident notification must also be emailed to the Planning Secretary at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant forms the view that an incident has not occurred.

Written notification of an incident must:

- i) identify the development and application number;
 - ii) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - iii) identify how the incident was detected;
 - iv) identify when the Applicant became aware of the incident;
 - v) identify any actual or potential non-compliance with conditions of consent;
 - vi) describe what immediate steps were taken in relation to the incident;
 - vii) identify further action(s) that will be taken in relation to the incident; and
 - viii) identify a project contact for further communication regarding the incident.
- b) 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 for such reporting set out in this condition, and such further reports as may be requested.

The **Incident Report** must include:

- i) a summary of the incident;

- ii) outcomes of an incident investigation, including identification of the cause/s of the incident;
- iii) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- iv) details of any communication with other stakeholders regarding the incident.

Non-compliance Notification and Reporting

- A19. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A20. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A21. Any written requirements of the Planning Secretary or relevant public authority (as determined by the Planning Secretary) which may be given at any point in time, to address the cause or impact of an incident must be complied with and within any timeframe specified by the Planning Secretary or relevant public authority.
- A22. If statutory notification is provided to the EPA as required under the POEO Act in relation to the project, such notification must also be provided to the Planning Secretary within 24 hours after the notification was provided to the EPA.
- A23. Incidents are to be notified as part of monitoring the carrying out of the Development to provide data on compliance with this consent or the environmental impact of the Development. Accordingly, Division 9.4 of the EP&A Act applies.

Monitoring and Environmental Audits

- A24. 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 the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental 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.

Applicability of Guidelines

- A25. 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.

However, 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.

Signage

- A26. Building identification signage is not approved as part of this consent.

PART B PRIOR TO COMMENCEMENT OF WORKS

Notice of Commencement of Works

- B1. The Planning Secretary, Certifying Authority and Council must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

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

Certified Plans

- B2. Plans certified in accordance with section 6.28(2) of the EP&A Act must be submitted to the Certifying Authority and the Planning Secretary prior to commencement of each stage of the construction works and must include details as required by any of the following conditions.

Community Communications Strategy

- B3. Unless otherwise agreed to by the Planning Secretary, a Community Communication Strategy must be prepared to 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.
- B4. The Community Communication Strategy must:
- a) identify people to be consulted during the design and construction phases;
 - b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - d) set out procedures and mechanisms:
 - i) through which the community can discuss or provide feedback to the Applicant;
 - ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

Prior to the commencement of construction, a copy of the Community Communications Strategy must be submitted to the Certifying Authority and the Planning Secretary and must be implemented for a minimum of 12 months following the completion of construction.

Ecologically Sustainable Development

- B5. Prior to the commencement of construction, the Applicant must submit details of all design measures to the satisfaction Certifying Authority demonstrating the proposal incorporates ecologically sustainable development initiatives as outlined in the *New Ultimo Pyrmont Public School - State Significant Development DA - ESD Services* report (Appendix N, EIS) prepared by JHA Consulting Engineers dated 20 October 2017 to achieve the equivalent of a minimum 4 Star Green Star rating.

Outdoor Lighting

- B6. Prior to commencement of building works, all outdoor lighting within the Subject Site must comply with AS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority.

Access for People with Disabilities

- B7. 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 any work, the Certifying Authority 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.

Erosion and Sedimentation Control

- B8. Soil erosion and sediment control measures must be designed in accordance with *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of any building works.

Pre-Construction Dilapidation Reports

- B9. Prior to the commencement of any work, the Applicant is to engage a suitably qualified person to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings within the site, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land must include details of the whole building where only part of the building falls within the 'zone of influence'. The report must be submitted to the Certifying Authority, Council and Planning Secretary prior to the commencement of any building works. A copy of the report is to be forwarded to Council.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifying Authority, Council and Planning Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

Aboriginal Heritage

- B10. Prior to the commencement of building works and to ensure that Aboriginal cultural heritage is appropriately managed across the Site and impacts are avoided, the Applicant must prepare an Aboriginal Archaeological Management Plan (AAMP) outlining how the construction works, including the removal of fill from the site, will be managed, to the satisfaction of the Certifying Authority. The AAMP must:
- be prepared to address all recommendations of the Heritage Impact Statement and Archaeological Assessment – Ultimo Pymont Public School report (Appendix J of the EIS dated October 2017) prepared by Urbis;
 - describe the procedures for the investigation of areas of Aboriginal archaeological sensitivity as identified and outlined in the Heritage Impact Statement and Archaeological Assessment – Ultimo Pymont Public School report (Appendix J of the EIS dated October 2017) prepared by Urbis;
 - describe the procedures for management of artefacts retrieved, if required, including details of ongoing consultation with Registered Aboriginal Parties;
 - describe the measures to manage and/or protect any relics/items identified during construction of the development; and
 - provide the scope of a Subject Site induction program for all Subject Site employees, contractors and subcontractors outlining responsibilities under the National Parks and

Wildlife Act 1974 and incorporate into any other relevant management plan or procedure as required.

- B11. The Applicant must engage a suitably qualified and experienced Aboriginal heritage expert throughout construction to supervise all construction works in accordance with the Aboriginal Archaeological Management Plan to be prepared in accordance with Condition B13.

Archaeology

- B12. An excavation director must be nominated to direct the archaeological program for the development. The excavation director must have appropriate qualification and experience commensurate with the scope of the development.
- B13. All construction contractors, subcontractors and personnel are to be inducted and informed by the approved excavation director prior to commencing works at the Site, as to their obligations and requirements in relation to historical archaeological sites and 'relics'.
- B14. During excavation works archaeological monitoring must be undertaken in accordance across the Site in with the *Heritage Impact and Archaeological Assessment* dated October 2017 and prepared by Urbis.
- B15. All affected historical archaeological relics and/or deposits of Local heritage significance are to be subject to professional archaeological excavation and/or recording before construction works commence which would impacts those relics. A Research Design, including an Archaeological Excavation Methodology, must be prepared, in accordance with the Heritage Council's guidelines, by the approved excavation director.
- B16. After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council and the Planning Secretary. The Applicant shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations.

Archaeology (Aboriginal and non-Aboriginal)

- B17. Prior to the commencement of construction, the Applicant must provide evidence to the Certifying Authority that the recommendations listed in Section 11 of the Heritage Impact Statement and Archaeological Assessment (Appendix J, EIS) prepared by Urbis have been complied with. This should include the results of the test excavations and evidence of consultation with the Office of Environment and Heritage, the Heritage Division and the Aboriginal Community.

Structural Details

- B18. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practicing Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Mechanical Ventilation

- B19. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works.

Stormwater and Drainage Works Design

B20. Prior to the commencement of building works, final drainage design plans of the stormwater drainage management system must be prepared by a suitably qualified engineer generally in accordance with the stormwater drainage drawings prepared by *Taylor Thomson Whitting* (as listed under Condition A2). The drainage design plans must be submitted to the Certifying Authority prior to the commencement of building works.

Storage and Handling of Operational Waste

B21. The building plans and specifications accompanying the relevant plans submitted to the Certifying Authority prior to the commencement of building works associated with this consent must demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the School. Requirements of these storage areas must be designed in consultation with Council, evidence of which must be supplied to the Certifying Authority, and must:

- a) ensure all internal walls of the storage area are rendered to a smooth surface, covered at the floor/wall intersection, graded, appropriately drained with a tap in proximity to facilitate cleaning and drained to sewer via an approved treatment device;
- b) include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and
- c) include provision for separate storage and collection of organic/food waste.

Bicycle Parking and End-of-Trip Facilities

B22. Plans demonstrating compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifying Authority:

- a) the provision of a minimum 4 staff and 16 student bicycle parking spaces;
- b) the layout, design and security of bicycle facilities must comply with the minimum requirements 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 in accordance with the ESD Design & As Built rating tool;
- d) appropriate pedestrian and cyclist advisory signs are to be provided; and
- e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Car Parking and Service Vehicle Layout

B23. Prior to commencement of building works, plans demonstrating compliance with the following traffic and parking requirements must be submitted to the satisfaction of the Certifying Authority:

- a) all vehicles must enter and leave the site in a forward direction;
- b) a minimum of 3 on-site car parking spaces as shown in the plans listed in Condition A2 and constructed in accordance with the latest version of AS2890.1-1993;
- c) the largest vehicle entering the site should be wholly contained on site before being required to stop;
- d) appropriate pedestrian advisory signs are to be provided at the egress point of the car park;
- e) the safety measures detailed in the *Ultimo Pymont Public School Vehicle Access Road Safety Audit* prepared by AMWC and dated 23 February 2018;
- f) all works/ regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority;
- g) the swept path of the longest vehicle entering and exiting the school site in association with the new work, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to RMS

- for approval, which shows that the proposed development complies with this requirement; and
- h) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Plans indicating line marking and signage, of public roads and footways shall be submitted to the relevant roads authority for approval where required.

Busy Roads

B24. The works that are the subject of this application must be designed and constructed in accordance with the *Development Near Rail Corridors and Busy Roads – Interim Guidelines* (2008). Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works.

Road Design and Traffic Facilities

B25. All roads and traffic facilities shall be designed to meet the requirements of Council or Roads and Maritime Services (RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority shall be obtained prior to the commencement of road or pavement construction works.

Construction Environmental Management Plan

B26.

- a) Prior to the commencement of building works on the Subject Site, a **Construction Environmental Management Plan (CEMP)** must be prepared for the development and must address, but not be limited to, the following matters where relevant:
- i) hours of work;
 - ii) 24-hour contact details of site manager;
 - iii) traffic management, prepared in consultation with Council;
 - iv) construction noise and vibration management, prepared by a suitably qualified person;
 - v) management of dust and odour to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) stormwater control and discharge;
 - viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - ix) groundwater management plan including measures to prevent groundwater contamination;
 - x) external lighting in compliance with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*;
 - xi) an unexpected finds protocol for contamination, Aboriginal and non-Aboriginal heritage and associated communications procedure and associated communications procedure;
 - xii) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and
 - xiii) waste storage, recycling and litter control.
- b) The **CEMP** must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the **CEMP**, the consent must prevail.

The Applicant must submit a copy of the **CEMP** to the Planning Secretary and Council, prior to commencement of work.

B27. The **CEMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Noise and Vibration Management Plan

- B28. Prior to the commencement of building works on the Subject Site, a **Construction Noise and Vibration Management Plan (CNVMP)** must be prepared for the development and must address, but not be limited to, the following matters where relevant:
- a) be prepared by a suitably qualified expert;
 - b) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
 - c) describe the measures that would be implemented to ensure:
 - i) best management practice is being employed;
 - ii) compliance with the relevant conditions of this consent;
 - d) describe the proposed noise and vibration management measures in detail;
 - e) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
 - f) describe the consultation undertaken to develop the strategies in e) above;
 - g) evaluates and reports on the effectiveness of the noise and vibration management measures; and
 - h) include a complaints management system that would be implemented for the duration of the project.
- B29. The Applicant must submit a copy of the **CNVMP** to the Planning Secretary and Council, prior to commencement of work.
- B30. The **CNVMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Soil and Water Management Plan

- B31. The Applicant must prepare a **Construction Soil and Water Management Plan (CSWMP)** and the plan must:
- a) be prepared by a suitably qualified expert, in consultation with Council;
 - b) be submitted to the approval of the Certifying Authority prior to the commencement of construction;
 - c) describe all erosion and sediment controls to be implemented during construction;
 - d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - e) detail all off-Site flows from the Site; and
 - f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI).
- B32. The Applicant must submit a copy of the **CSWMP** to Council, prior to commencement of work.
- B33. The **CSWMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan

- B34.
- a) Prior to the commencement of works on the Site, a **Construction Waste Management Plan (CWMP)**, prepared by a suitably qualified person in consultation with the Council. A copy of the **CWMP** must be provided to the Planning Secretary. The **CWMP** must address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete; and
 - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant must submit a copy of the plan to the Planning Secretary and to the Council prior to the commencement of work.
- d) The Applicant must notify Transport Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Site, prior to the commencement of the removal of any waste material from the Site.

B35. The Applicant must submit a copy of the **CWMP** to the Planning Secretary and to the Council, prior to commencement of work.

B36. The **CWMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Traffic and Pedestrian Management Plan

B37.

- a) Prior to the commencement of works on the Subject Site, a **Construction Traffic and Pedestrian Management Plan (CTPMP)** must be prepared for the development by a suitably qualified expert in consultation with Council, RMS and the CBD Coordination office within TfNSW and submitted for the approval of the Certifying Authority. The **CTPMP** must specify, but not be limited to, the following:
 - i) identification of construction traffic routes for all required vehicles during construction, inclusive of any crane delivery, including any known road closures and consideration of alternate routes and construction traffic volumes (including heavy vehicle/spoil haulage) on these routes;
 - ii) details of construction vehicle movements including parking, dedicated vehicle turning areas, and ingress and egress points;
 - iii) construction hours and program;
 - iv) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts;
 - v) discussion of potential cumulative construction impacts on the surrounding road network as a result of the simultaneous construction of adjoining developments, including reference to existing **CTPMPs**;
 - vi) details of management measures to minimise traffic impacts, including temporary road work traffic control measures and measures to minimise peak period congestion;
 - vii) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction;
 - viii) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists;
 - ix) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists;
 - x) an adaptive response plan which sets out a process for response to any traffic, construction or other incident; and
 - xi) mechanisms for the monitoring, review and amendment of the **CTPMP**.

B38. The Applicant must submit a copy of the **CTPMP** to the Planning Secretary and Council, prior to commencement of work.

B39. The **CTPMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Complaints and Enquiries Procedure

- B40. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - b) a postal address to which written complaints and enquires may be sent; and
 - c) an email address to which electronic complaints and enquiries may be transmitted.
- B41. A **Complaints Management System** must be prepared prior to the commencement of any construction works and be implemented and maintained for the duration of these works.

The **Complaints Management System** must include a **Complaints Register** to be maintained recording information on all complaints received about the development during the carrying out of any works associated with the development. The **Complaints Register** must record the:

- a) number of complaints received;
- b) number of people affected in relation to a complaint; and
- c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

Remediation

- B42. The Applicant must remediate the Subject Site in accordance with the *Environmental Site Assessment and Remediation Action Plan* prepared by Environmental Investigation Services, dated 31 May 2018, to the satisfaction of EPA and the Planning Secretary. If any amendments are required to the RAP, the amendments must be prepared by an EPA accredited Site Auditor and be approved by EPA.
- B43. The Applicant must carry out the remediation works using suitably qualified and experienced contractor(s).
- B44. The Applicant must remediate the Subject Site to meet the remediation goals as agreed to in writing by EPA.
- B45. Prior to the commencement of site preparation works, the Applicant must demonstrate to the satisfaction of the Planning Secretary, that EPA has approved the amended RAP.

Validation Report

- B46. Following the remediation of the Subject Site, the Applicant must submit a Validation Report for the development. The Validation Report must:
- a) be prepared by an EPA accredited Site Auditor;
 - b) be submitted to EPA and the Planning Secretary for review at least one month prior to the commencement of operation;
 - c) be prepared in accordance with *Environmental Site Assessment and Remediation Action Plan* prepared by Environmental Investigation Services, dated 31 May 2018 and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011);
 - d) include, but not be limited to:
 - i) comment on the extent and nature of the remediation undertaken;
 - ii) where material is to remain in-situ and capped, undertake site surveys to demonstrate cap thickness and to confirm appropriate installation of the cap;
 - iii) describe the location, nature and extent of any remaining contamination on the Subject Site as well as any ongoing management requirements;

- iv) provide the sampling and analysis plan and detail of the sampling methodology undertaken as part of the remediation;
- v) results of any validation sampling, compared to relevant guidelines/criteria; and
- vi) confirmation of the suitability of the Subject Site for its intended use (See Condition B43).

Site Audit Report and Site Audit Statement

B47. The Applicant must submit, to the satisfaction of the EPA and Planning Secretary, a **Site Audit Report** and **Site Audit Statement** prepared by an EPA accredited site auditor, prior to occupation of the Subject Site. The Site Audit Report and Site Audit Statement must verify that the land is suitable for the uses proposed as part of this consent.

Contamination – Unexpected Finds

B48. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination finds procedure to ensure that any unexpected potentially contaminated material is appropriately managed. The procedure must form part of the of the **CEMP** in accordance with Condition B27 and must ensure any material identified as contaminated is appropriately managed and disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Utility Services

B49. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and telecommunication carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.

B50. 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.

External Walls and Cladding

B51. The external walls of all buildings, including additions to existing buildings, must comply with the relevant requirements of the NCC. Prior to commencement of works, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the NCC. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Compliance Reporting

B52. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction works. A copy of the endorsed compliance report must be provided to the Planning Secretary at compliance@planning.nsw.gov.au before the commencement of construction works.

B53. The Pre-Construction Compliance Report must include:

- a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
- b) the expected commencement date for construction.

Independent Environmental Audit

B54. No later than one month prior to the commencement of construction works or within another timeframe agreed with the Planning Secretary, a program of independent

environmental audits must be prepared for the development in accordance with the latest version of AS/NZS ISO 19011-2014: *Guidelines for Auditing Management Systems* (Standards Australia, 2014) and submitted to the Planning Secretary for information.

The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

The environmental audit program prepared and submitted to the Planning Secretary must be implemented and complied with for the duration of the development.

- B55. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:
- assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
 - assesses whether the development is complying with the terms of this consent;
 - reviews the adequacy of any document required under this consent; and
 - recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- B56. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the approval of the Certifying Authority.

Public Domain

- B57. Prior to the commencement of works, a photographic recording of public domain site frontages must be prepared and submitted to the satisfaction of Council.
- B58. Prior to the commencement of works, a Public Domain Damage Deposit calculated on the basis of 70 lineal metres of concrete site frontage must be lodged with Council in accordance with Council's adopted *Schedule of Fees and Charges*. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain near the site.

The Bank Guarantee will be retained by Council in full until any rectification works to the public domain are completed to the satisfaction of Council. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

Noise

- B59. Prior to commencement of construction, the Applicant must incorporate the noise mitigation recommendations in the *Noise and Vibration Assessment*, prepared by JHA and dated 15 March 2018, into the detailed design drawings. The Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the *Noise and Vibration Assessment*, prepared by JHA and dated 15 March 2018.
- B60. Prior to the commencement of construction, the Applicant must engage an appropriately qualified acoustic consultant to verify final mechanical plant and machinery selections will ensure that operational noise limits specified within the *Noise and Vibration Assessment*, prepared by JHA and dated 15 March 2018, will not be exceeded.

PART C DURING CONSTRUCTION

Approved Plans to be On-site

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Planning Secretary, Council or the Certifying Authority.

Construction Hours

- C2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- between 7 am and 6 pm, Mondays to Fridays inclusive;
 - between 8 am and 1 pm, Saturdays; and
 - no work may be carried out on Sundays or public holidays.
- C3. Activities may be undertaken outside of these hours:
- if required by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - if required in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - works are inaudible at the nearest sensitive receivers; or
 - if a variation is approved in advance in writing by the Planning Secretary or her nominee; and
 - notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C4. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- 9 am to 12 pm, Monday to Friday;
 - 2 pm to 5 pm Monday to Friday; and
 - 9 am to 12 pm, Saturday.

Construction Noise Management

- C5. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 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 **CNVMP** required under Condition B29.
- C6. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Fact Sheet C of the *Noise Policy for Industry*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C7. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the Subject Site or surrounding residential precincts outside of the construction hours of work outlined under Condition C2.
- C8. The Applicant must schedule intra-day 'respite periods' for construction activities identified in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) as being particularly annoying or intrusive to noise sensitive receivers. These activities are to be carried out after 8 am only and over continuous periods no exceeding three hours (with at least a one hour respite every three hours).

- C9. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a **CNVMP** required under Condition B29.
- C10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C11. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.
- C12. The Applicant must ensure construction of the development is carried out in accordance with the recommendations outlined in *Noise and Vibration Assessment*, prepared by JHA and dated 15 March 2018.

Vibration Criteria

- C13. Vibration caused by the construction works at any residence or structure outside the Subject Site must be limited to:
- a) for structural damage vibration, German Standard *DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures*;
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard *BS 6472 – Guide to Evaluate Human Exposure to Vibration in Buildings* (1 Hz to 80 Hz) for low probability of adverse comment;
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
 - d) these limits apply unless otherwise outlined in the **CNVMP** required under Condition B29 and submitted to the satisfaction of the Certifying Authority.

Waste

- C14. All waste generated during construction must be assess, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).
- C15. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste of spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.
- C16. The Applicant must ensure that concrete waste and rinse water are not disposed of on the Subject Site and are prevented from entering any natural or artificial watercourse.

Handling of Asbestos

- C17. The Applicant is to 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.

Tree Protection

- C18.
- 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 must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;

- c) all trees on the Subject Site that are not approved for removal must be suitably protected during construction as per recommendations of the Arboricultural Assessment and Development Impact Report, prepared by Raintree Consulting and dated October 2017; 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.

Landscaping

C19. Any trees planted (that would reach a height of >8 metres at maturity) as part of the approved Landscape Plan must be a minimum pot size of 100L, be a locally endemic species and be endorsed by a suitably qualified and experienced person(s). The trees are to be staked and regularly maintained for a minimum of 12 months. Confirmation that all trees have been planted in accordance with this condition (including number of trees) must be provided to the Certifying Authority prior to operation unless otherwise agreed by the Planning Secretary.

Erosion and Sediment Control

C20. All erosion and sediment control measures, must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

C21. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

Construction Traffic

C22. All construction vehicles (excluding worker vehicles) are to be contained wholly within the Site and vehicles must enter the Site before stopping.

Road Occupancy Licence

C23. A Road Occupancy Licence must be obtained from the Transport Management Centre (TMC) for any works that impact on traffic flows during construction activities.

Site Notice

- C24.
- a) A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
 - b) The site notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and

- iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

SafeWork Requirements

C25. 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

C26. The following hoarding requirements must be complied with:

- a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing;
- 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; and
- c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

C27. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Discovery of Non-Aboriginal Relics

C28. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the OEH Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage Division of OEH.

Discovery of Aboriginal Heritage

C29. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all projects/sites. Works may only recommence with the written approval of OEH.

Access to Information

C30. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

- a) make the following information and documents (as they are prepared, 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 environmental 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 approval of the Certifying Authority.
- C31. Within six months of the date of this consent the Applicant must make the following information publicly available on its website and keep the information up to date:
- a) the EIS;
 - b) current statutory approvals for the Development;
 - c) approved strategies, plans or programs;
 - d) a complaints register, updated on an annual basis; and
 - e) any other matter required by the Planning Secretary.
- C32. Construction **Compliance Reports** must be submitted to the Planning Secretary at for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- The **Construction Compliance Reports** must include:
- a) a results summary and analysis of environmental monitoring;
 - b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - c) details of any review of the **CEMP** and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
 - d) a register of any modifications undertaken and their status;
 - e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
 - f) a summary of all incidents notified in accordance with this consent; and
 - g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

Incident Reporting

- C33. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant must notify the Planning Secretary and any other relevant agencies of the incident in accordance with the requirements outlined in Conditions A15 to A20.
- C34. Within seven days of the detection of the incident, the Applicant must provide the Planning Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested in accordance with Condition A15

Compliance Tracking and Reporting

- C35. The Applicant must provide regular (six monthly) reporting on any environmental performance required by the development consent for the development on its project

website, in accordance with the reporting arrangements in any plans or other documents approved under the conditions of this consent.

Compliance – General

- C36. 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.
- C37. **Construction Compliance Reports** must be submitted to the Planning Secretary at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of the construction of the development, or such other timeframe as required by the Planning Secretary.
- C38. The **Construction Compliance Reports** must include:
- a) a results summary and analysis of environmental monitoring;
 - b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - c) details of any review of the CEMP and associated sub-plans as a result of construction carried out during the reporting period;
 - d) a register of any modifications undertaken and their status;
 - e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
 - f) a summary of all incidents notified in accordance with this consent; and
 - g) any other matter relating to compliance with the terms of this consent or as requested by the Planning Secretary.

Protection of Public Infrastructure

- C39. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - b) relocate, or pay the full costs associated with relocating, any infrastructure that needs to be relocated as a result of the development.

Structural Adequacy

- C40. 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 NCC.

Excavation on Public Land

- C41. All excavations and backfilling on public land associated with the development must be executed in accordance with the appropriate safety standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life and property.

Public Domain

- C42. All existing stones kerbs on the Jones Street, Quarry Street and Wattle Road frontages must be retained and protected during excavation and construction in accordance with the requirements of Council.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Road Safety Audit

D1. Prior to occupation a **Road Safety Audit (RSA)**, prepared by suitably qualified consultant, must be undertaken of the drop-off/pick-up area and bus layby design along Quarry Street and Jones Street, in consultation with Transport for New South Wales, and any recommendations of the **RSA** must be implemented into the final drop-off/pick-up and bus layby design. The Applicant must submit the **RSA** to the approval of the Certifying Authority prior to occupation.

Operational Noise Management Plan

D2. An **Operational Noise Management Plan (ONMP)** must be prepared prior to the commencement of operation, to the approval of the Certifying Authority that includes, but is not limited to:

- a) a description of each type of event, activity and/or use to be undertaken, including a description of any amplification systems;
- b) identification of noise sensitive receivers, existing and proposed, likely to be adversely affected by activities undertaken;
- c) details of a noise monitoring program that monitors sound levels from use outside of school use and retains records of the results and details of the monitoring equipment used, including its location and settings;
- d) clearly defined noise management objectives that incorporates all recommended mitigation measures contained in the *Noise and Vibration Assessment*, prepared by JHA and dated 15 March 2018;
- e) details of a noise complaints handling procedure and actions to be taken at the time of each complaint to monitor and minimise noise impacts. The procedures must include:
 - i) the time and date each complaint was received;
 - ii) how the complaint was received;
 - iii) the contact details of the person lodging the complaint;
 - iv) the proposed actions to prevent a reoccurrence of the noise impact;
- f) a program for review of the **ONMP**, including ongoing assessment and improvement of the **ONMP**. The program must address the effectiveness of:
 - i) community consultation (consultation prior to, during (complaints handling and response) and after events and activities described in part a) and consultation as part of the plan review process);
 - ii) the use of technology or the setup procedures to mitigate or prevent noise impacts;
 - iii) the use of real time mitigation measures to mitigate or prevent noise impacts;
 - iv) the use of monitoring programs, the monitoring data records and community consultation information to prevent or mitigate noise impacts; and
- g) the program of review must also provide an Implementation Strategy, that commits to specific management actions, including operational procedures to be implemented along with timeframes. The specific management actions must incorporate best management practice that adequately addresses the identified problems and issues with both non-structural and structural aspects of noise management, such as community consultation, operational hours, equipment setup, use of technology, real time noise mitigation measures, and monitoring program.

D3. Details must be provided to the approval of the Certifying Authority demonstrating that the **ONMP** has been prepared in consultation with Council.

D4. The **ONMP** (as revised from time to time) must be implemented by the Applicant for the life of the development.

Operational Pedestrian and Transport and Access Management Plan (OTAMP)

- D5. **OPTAMP** is to be prepared for the Subject Site by a suitably qualified person, and must address the following:
- a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
 - b) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
 - c) the location and operational management procedures of the pick-up and drop-off parking located within Quarry Street and Jones Street (and/or alternate locations), including staff management/traffic controller arrangements;
 - d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities, including staff management/traffic controller arrangements;
 - e) delivery and services vehicle and bus access and management arrangements;
 - f) management of approved access arrangements;
 - g) car parking arrangements and management associated with the proposed use of school facilities by community members;
 - h) a monitoring and review program;
 - i) evidence of any consultation;
 - j) outcomes of Conditions D1, D6 – D9 and E1;
 - k) school speed zones;
 - l) carparking restrictions and signage within, and in the vicinity of the site; and
 - m) any required interim upgrading or widening of footpaths to facilitate safe access.
- D6. The **OPTAMP** is to be prepared in consultation with Council, TfNSW and RMS, and local bus service providers (where relevant) and submitted to the satisfaction of the Certifying Authority.
- D7. The **OPTAMP** (as revised from time to time including where final arrangements replace interim measures) must be implemented by the Applicant for the life of the development.

Pick up/Drop-off Zone

- D8. Prior to the commencement of operation, the Applicant must obtain approval from Council to convert the northern 25 metres of the bus zone on Jones Street adjacent the Subject Site to a 'no parking' pick-up/drop-off zone.
- D9. The drop-off/pick-up zone Quarry Street and Jones Street must be monitored during the AM and PM peak drop-off/pick-up periods twice weekly for the first school term of operation and one day per week during the AM and PM peak drop-off/pick-up period for the second school term of operation unless otherwise agreed by the Planning Secretary. A monthly report over a six-month period must be prepared by a suitably qualified person including a discussion of the results of the monitoring including:
- a) Time period monitored (date, time);
 - b) Number of students exiting/alighting vehicles;
 - c) Number of vehicles using the drop-off/pick-up zone;
 - d) Length of time each vehicle loads/unloads students;
 - e) An assessment of how the drop-off/pick-up zone is operating, and whether there is any observed impact on the Quarry Street/Jones Street and Wattle Road/Quarry Street intersections (e.g. queuing, illegal stopping, safety etc);
 - f) verification based of the results of traffic surveys at similar Sites; and
 - g) Any other relevant information as required.

If after six months of operation, the results of the monitoring indicate insufficient capacity of the drop-off/pick-up zone, alternative arrangements must be made in consultation with Council, TfNSW and RMS to address this issue. Alternative arrangements are to be

incorporated into an updated **OPTAMP** and submitted to the Planning Secretary for approval.

Mechanical Ventilation

- D10. Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to the final occupation, that the installation and performance of the mechanical systems complies with:
- a) the BCA;
 - b) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the NSW Fire Brigade.

Road Damage

- D11. 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 is to be met in full by the Applicant prior to the occupation of the new development.

Sydney Water Compliance

- D12. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Certifying Authority prior to the commencement of use.

Compliance Certificate

- D13. A compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council.

The certificate must be submitted to the Certifying Authority prior to the occupation of the development.

Post-construction Dilapidation Report

- D14.
- a) Prior to operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings or infrastructure.
 - b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) A copy of this report is to be forwarded to Council.

Fire Safety Certification

- D15. Prior to the final occupation of the school, 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

- D16. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- a) the site has been periodically inspected and the Certifying Authority 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.

Signage

- D17. Way-finding signage and signage identifying the location of staff car parking must be installed prior to occupation.
- D18. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.
- D19. 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site prior to occupation.

Stormwater Quality Management Plan

- D20. An **Operation and Maintenance Plan (OMP)** is to be prepared to ensure proposed stormwater quality measures remain effective. The **OMP** must 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.
- D21. Details demonstrating compliance must be submitted to the Certifying Authority prior to occupation.

Rainwater Harvesting

- D22. The Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer. A signed works-as-executed Rainwater Re-use Plan must be provided to the Certifying Authority prior to the issue of the final Occupation Certificate.

Warm Water Systems and Cooling Systems

- D23. The installation, 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 Parts 1 and 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.

Pre-operation Compliance Report

- D24. A **Pre-Operation Compliance Report** must be prepared and submitted to the Planning Secretary for information no later than one month before the commencement of operation or within another timeframe agreed with the Planning Secretary. The Pre-Operation Compliance Report must include:

- a) details of how the terms of this approval that must be addressed before the commencement of operation have been complied with; and
- b) the commencement date for operation.

Operation of the building must not commence until the Pre-Operation Compliance Report has been submitted for information to the Planning Secretary.

Green Travel Plan

D25. The **Green Travel Plan (GTP)**, prepared by ARUP and dated 19 April 2018, must be revised by a suitably qualified traffic consultant and submitted to the approval of the Certifying Authority prior to occupation. The GTP must address, but not limited to, the following:

- a) objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the **GTP**;
- b) address any misalignment of the mode share target for the number of students being dropped off at school by car;
- c) specific tools and actions to help achieve the objectives and mode share targets;
- 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 **GTP**;
- e) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the **GTP**, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of students and staff to and from both schools at appropriate times throughout the academic year.

D26. The **GTP** (as revised from time to time) must be implemented by the Applicant, or person/s authorised to, for the life of the development.

Compliance with Food Code

D27. Where cooking facilities are proposed, 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*. The Applicant must provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to occupation.

PART E POST OCCUPATION

Unobstructed Driveways and Parking Areas

- E1. 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.

Green Travel Plan

- E2. The Green Travel Plan required by Condition D24 of this consent must be updated annually and implemented.

Operational Noise Management

- E3. The use of the community hall and sports courts outside of school use must at all times comply with the approved **ONMP** required under Condition D2 of this consent.

Unobstructed Driveways and Parking Areas

- E4. 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.

Noise Control

- E5. Noise associated with the operation of any plant, machinery, School public address system, school bell or other equipment on the Subject Site, must not exceed 5 dB(A) above the background noise level when measured at the boundary of any sensitive receiver.
- E6. Grounds maintenance involving the use of power equipment must be restricted to between 7:30 am and 6:00 pm Mondays to Fridays.
- E7. Waste collection services must only be undertaken between 7:30 am and 6:00 pm Mondays to Fridays.
- E8. Community use of the games courts is restricted to the following
- a) no earlier than 12:00 pm (midday) and no later than 6:00 pm, Monday to Friday; and
 - b) between 8:00 am and 6:00 pm Saturdays.
- E9. The Applicant must carry out a noise monitoring program of representative uses of the hall and games court outside of school hours to demonstrate that the level, nature, quality and character of noise emitted by those uses. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within six months of full occupation of the building to verify that operational noise levels do not exceed the recommended noise levels identified in the *Noise and Vibration Assessment*, prepared by JHA and dated 15 March 2018.
- E10. Should the noise monitoring required under Condition E9 identify any exceedance of the recommended noise levels, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.
- E11. The implementation of noise attenuation measures, on-site and at the affected receiver(s), if required, must be provided within three months of the completion of the short-term noise monitoring required under Condition E9, or other appropriate period as agreed by the Planning Secretary.

Operation of Plant and Equipment

- E12. All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Vehicle Management

- E13. All loading and unloading of service vehicles in connection with the use of the premises must be carried out wholly within the Subject Site at all times.

External Lighting

- E14. External Lighting must comply with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this Condition.

Fire Safety Certificate

- E15. 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.

Landscaping

- E16. The landscaping is to be maintained at all times following its installation in accordance with the approved Landscape Plan.
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ADVISORY NOTES

Appeals

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

Other Approvals and Permits

AN2. The Applicant must apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

Responsibility for other consents / agreements

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Use of Mobile Cranes

AN4. The Applicant must obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters must be complied with:

- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
 - i) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - ii) At least four weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- b) The use of mobile cranes must comply with the approved hours of construction and must not be delivered to the site prior to 7:00 am without the prior approval of Council.

Temporary Structures

AN5.

- a) An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN6. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - *Design for Access and Mobility*. AS 1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7.

- a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Planning Secretary of the Department of the Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN8. All works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

Site contamination issues during construction

AN9. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Certifying Authority.
