

Partial Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I partially approve Phase 1 of the development application referred to in Schedule 1 under section 4.16(4)(c), subject to the conditions specified in Schedule 2.

These conditions are required to:

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



David Gainsford

Executive Director

Priority Projects Assessments

Sydney *24th October* 2018

SCHEDULE 1

Application Number:	SSD 8114
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning
Site:	Lot 2 and 4 DP 1151638, 100 Eton Road, Lindfield Former UTS Ku-ring-gai Campus
Development:	Phase 1 construction and operation of a new school for 350 students, (Lindfield Learning Village), comprising: <ul style="list-style-type: none">• adaptive re-use of part of the existing building to construct one home-base for 350 students;• construction of all administrative and technical spaces to support a full primary and secondary curriculum for 350 students;• construction of a fire trail for bushfire management purposes;• traffic and transport infrastructure; and• tree removal to establish a 100 metre Asset Protection Zone around the home-base on the site.

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	NSW Department of Education, or any person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
APZ	Asset Protection Zone
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certifier	Means a council or accredited certifier
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	<p>All physical works to enable operation, including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling, investigative excavation or Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
Council	Ku-ring-gai Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS, Response to Submissions and Supplementary Response to Submissions, including the works and activities comprising construction and operation of the Lindfield Learning Village, as limited by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	<i>Environmental Impact Statement – Lindfield Learning Village</i> , prepared by Urbis and dated 8 June 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings

EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm.
External works	Any construction activities affecting the external fabric of the existing building, landscaping and vegetation clearing.
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
IPA	Inner Protection Area
Internal works	Any construction activities affecting the internal spaces of the existing building, including any rooftop works.
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in <i>Environmental Impact Statement – Lindfield Learning Village</i> , prepared by Urbis and dated 8 June 2017.
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PMF	Probable Maximum Flood event.

Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW).
Response to submissions	<i>Response to Submissions – Lindfield Learning Village (SSD 16_8114)</i> prepared by Urbis and dated 14 June 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
Reversible	Works that affect the heritage fabric can be reversed in the future to ensure the essential form and integrity of the heritage building is unimpaired.
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
SES	NSW State Emergency Services
Site	The land defined in Schedule 1 OR describe the site in detail.
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
SRtS	Supplementary Response to Submissions – Lindfield Learning Village (SSD 16_8114), prepared by Urbis and dated 30 August 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
TfNSW	Transport for New South Wales
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation, and the carrying out of maintenance works.
VMP	Vegetation Management Plan
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS (relating to Phase 1), Response to Submissions (relating to Phase 1) and Supplementary Response to Submissions;
 - (d) in accordance with the approved plans in the table below identified as Phase 1:

Architectural plans prepared by <i>DesignInc / Lacoste + Stevenson / bmc2</i>			
Dwg No.	Rev	Name of Plan	Date
DA-100	J	Site Plan	08/06/2018
DA-102	D	Phase 1 Site Plan	08/06/2018
DA-112	A	Phase 1 Proposed Floor Plan Level 2	06/06/2018
DA-113	C	Phase 1 Proposed Floor Plan Level 3	06/06/2018
DA-114	D	Phase 1 Proposed Floor Plan Level 4	06/06/2018
DA-115	E	Phase 1 Proposed Floor Plan Level 5	06/06/2018
DA-116	E	Phase 1 Proposed Floor Plan Level 6	06/06/2018
DA-117	B	Phase 1 Proposed Floor Plan Level 7	01/06/2018
DA-118	B	Phase 1 Proposed Floor Plan Roof Level	07/05/2018
DA-300	J	North & South Building Elevation	04/05/2018
DA-301	J	East & West Building Elevation	04/05/2018
DA-400	H	Building Sections – Sheet 1	04/05/2018
DA-401	H	Building Sections – Sheet 2	04/05/2018

- 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.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c)(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c)(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date of consent unless the works associated with the development have physically commenced.

Student Numbers

- A6. This partial consent relates to Phase 1 of the development only, which is to accommodate 350 enrolled students.

Artificial Surfaces

- A7. There must be no external use of artificial turf or synthetic play surfaces on the site, unless a Stormwater Management Plan is prepared and approved by the Planning Secretary detailing how stormwater will be treated prior to it being discharged into the National Park.

Design Modifications

- A8. The rooftop Covered Outdoor Learning Area and associated screens and playground are not approved and amended plans must be submitted to the Planning Secretary and Certifier.
- A9. The fire isolated stair extension to the eastern side of the existing building is not approved and amended plans must be submitted to the Planning Secretary and Certifier.

Prescribed Conditions

- A10. 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

- A11. 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

- A12. 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

- A13. Any advice or notice to the consent authority must be served on the Planning Secretary.

Evidence of Consultation

- A14. 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/Certifier for information/approval; and
 - (b) provide details of the consultation undertaken including:
 - i) the outcome of that consultation, matters resolved and unresolved; and
 - ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging, Combining and Updating Strategies, Plans or Programs

- A15. 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).

- A16. 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.
- A17. 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.

Demolition

- A18. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

Structural Adequacy

- A19. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

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

External Walls and Cladding

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A21. 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.

Monitoring and Environmental Audits

- A22. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

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

Access to Information

- A23. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - i) the documents referred to in condition A2 of this consent;
 - ii) all current statutory approvals for the development;

- iii) all approved strategies, plans and programs required under the conditions of this consent;
 - iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - vi) a summary of the current stage and progress of the development;
 - vii) contact details to enquire about the development or to make a complaint;
 - viii) a complaints register, updated monthly;
 - ix) audit reports prepared as part of any independent 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 satisfaction of the Planning Secretary.

Signage

A24. Building identification signage is not approved as part of this consent.

Historic Heritage

A25. The following heritage elements must be retained:

- (a) Extant timber ceiling of the existing library area;
- (b) The spiral stairs towards the southern boundary of the building;
- (c) All internal and external built in bench seating in communal areas;
- (d) All original spherical light fittings in communal/public areas within the site; and
- (e) Planter boxes on roof terraces.

ADVISORY NOTES

- AN1.** All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.
- AN2.** Pursuant to section 4.16(4)(c) of the Act, this partial consent is granted only for Phase 1 of the development referred to in the development application, on the conditions set out in this consent.
- AN3.** Development consent is required to carry out Phases 2 and 3 of the development referred to in the development application.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Department 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 Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- B2. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
 - (b) this development consent.

External Walls and Cladding

- B3. Prior to the commencement of construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Protection of Public Infrastructure

- B4. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Bush Fire

- B5. Prior to the commencement of construction, a detailed design for the upgrade of existing roads between the existing bus stop loop and the site (including internal roads within the site and excluding Dunstan Grove) must be certified by an appropriately qualified person and submitted to the Planning Secretary. The detailed design must demonstrate compliance with section 4.2.7 of *Planning for Bush Fire Protection 2006*, including:
- (a) Internal roads must be two-wheel drive, sealed, all-weather roads;
 - (b) Internal perimeter roads must be provided with at least two traffic lane widths (carriageway 8 metres minimum kerb to kerb and shoulders on each side unless an alternative solution is agreed by RFS), allowing traffic to pass in opposite directions;
 - (c) Dead end roads must incorporate a minimum 12 metre outer radius turning circle and must be clearly sign posted as a dead end;
 - (d) Traffic management devices must be constructed to facilitate access by emergency service vehicles;
 - (e) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches, must be provided;
 - (f) Curves must have a minimum inner radius of 6 metres and must be minimal in number to allow for rapid access and egress;
 - (g) The minimum distance between the inner and outer curves must be 6 metres;
 - (h) Maximum grades must not exceed 15 degrees and average grades must not be more than 10 degrees;

- (i) Roads must not traverse through land potentially subject to periodic inundation (other than flood or storm surge);
 - (j) Roads must be clearly sign posted and bridges must clearly indicate load ratings; and
 - (k) The internal road surfaces and bridges must have a capacity to carry fully-loaded fire fighting vehicles (15 tonnes).
- B6. Prior to commencement of construction, detailed fire trail design plans must be certified by an appropriately qualified person and submitted to the Planning Secretary. Designs must be generally consistent with *Phase 1 Site Plan* prepared by DesignInc Sydney Pty Limited dated 08 June 2018 (Reference Project No. P18-023 and Drawing No. DA-102) and be in accordance with section 4.1.3 (3) of *Planning for Bushfire Protection 2006, NSW Fire Trail Standards* and address the following:
- (a) No artificial turf should be used for the proposed fire trails;
 - (b) The proposed fire trail must avoid and minimise where possible, impacts on rocky outcrops and drainage lines; and
 - (c) Suitable arrangements must be put in place to ensure the ongoing management and availability of fire trails for fire management purposes.
- The plans are to be certified by an appropriately qualified person and a copy submitted to the Secretary
- B7. Prior to the commencement of vegetation removal, a Vegetation Management Plan (VMP) must be prepared in consultation with RFS for the ongoing maintenance of the proposed APZs, in accordance with the bush fire report prepared by Blackash Bushfire Consulting dated August 2018 (Reference Version 1.3). The VMP must be submitted to the satisfaction of the Planning Secretary.
- B8. Prior to the commencement of vegetation removal, detailed landscape plans for the IPA must be prepared and certified by an appropriately qualified person demonstrating compliance with Appendix 5 of *Planning for Bush Fire Protection 2006* and a copy submitted to the Planning Secretary.
- B9. Where the APZs are located in slopes greater than 18 degrees, the APZ must be landscaped or managed (eg. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area.
- B10. The entire site must be managed as an Inner Protection Area (IPA) as indicated in *Figure 6 APZ Provision for Phase 1 School* in the bush fire report prepared by Blackash Bushfire Consulting dated 9 July 2018 (Reference Version 1.2).
- The IPA must be managed as outlined in section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW RFS document *Standards for asset protection zones*.
- B11. Prior to commencement of construction, unless otherwise agreed by the Planning Secretary, suitably worded instruments must be drafted pursuant to Section 88 of the *Conveyancing Act 1919* to ensure ongoing management of the proposed APZs within the subject site in perpetuity and in accordance with condition B10. The instrument must be lodged with NSW Land Registry Services and evidence of the lodgement submitted to the Planning Secretary. The NSW RFS must not be beneficiary to this legal instrument.
- B12. Prior to the commencement of construction detailed plans must be certified by an appropriately qualified person demonstrating that;
- (a) All elevations and roof of the existing building(s) will be upgraded to comply with sections 3 and 9 (Bush Fire Attack Level (BAL) Flame Zone (FZ) of Australian Standard AS3959-2009 *Construction of buildings in bush fire prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate. Except for windows, flaming of the specimen is not permitted and there must be no exposed timber;
 - (b) New construction must comply with Sections 3 and 9 (BAL-FZ) of Australian Standard AS3959-2009 *Construction of buildings In bush fire prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014*

as appropriate. Except for windows, flaming of the specimen is not permitted and there must be no exposed timber; and

- (c) A two hour fire rated wall must be constructed internally on proposed levels four, five and six aligned to the 100 metre APZ as measured from the southern boundary, consistent with the drawings prepared by DesignInc dated 8 June 2018 (Project Number P18-023) and the recommendations in section 12 as indicated on Figure 6 APZ Provision of Phase 1 School in the bush fire report prepared by Blackash Bushfire Consulting dated 9 July 2018 (Reference Version 1.2).

Landscaping

- B13. Prior to the commencement of vegetation removal, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:
- (a) ensure no more than 872 trees are removed from the site;
 - (b) identify all existing tree/shrub species to be retained (at least 228 trees must be retained);
 - (c) have regard to the heritage setting of the site;
 - (d) have regard to the bush fire protection measures (B5 - B6);
 - (e) include the entirety of the site (fire trails, footpaths, bus stop etc);
 - (f) identify existing natural features such as rock outcrops;
 - (g) include contour lines and levels;
 - (h) include details of terracing or other slope stability measures;
 - (i) include details for managing stormwater runoff;
 - (j) include native grasses endemic to the locality;
 - (k) detail the species to be planted on-site;
 - (l) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
 - (m) include details of all boundary and internal fencing constructed of non-combustible materials;
 - (n) include details of any landscape furniture/structures such as seating, lighting etc.

Site Contamination

- B14. Prior to the commencement of external works or vegetation clearing, additional site investigation for contaminants across previously untested areas of the site must be undertaken in accordance with:
- (a) NSW EPA Sampling Design Guidelines
 - (b) Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017
 - (c) <https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>
 - (d) Guidelines for Consultants Reporting on Contaminated Sites, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf
 - (e) The National Environment Protection (assessment of contamination) Measures 2013 as amended

Testing must include assessment of both the soil and groundwater profile.

- B15. Prior to commencement of external works or vegetation clearing, an unexploded ordnance (UXO), exploded ordnance (EO) and exploded ordnance waste (EOW) Site Assessment Survey must be undertaken by an UXO contractor listed on the Defence Panel of suitably qualified UXO consultants and contractors and submitted to the Secretary.

Note: *Incremental vegetation clearing may commence in areas certified as being either free from contamination or remediated (including UXO, EO and EOW) by the accredited site auditor.*

- B16. The Remediation Action Plan must be updated to:

- (a) include a cost benefit analysis to compare the different remedial options considered;
- (b) estimates of likely volumes of contaminated material to be remediated or removed from site under the preferred options;
- (c) reflect the findings of the additional site investigation required by condition B14;
- (d) reflect the findings of the UXO, EO and EOW Site Assessment Survey required by condition B15; and
- (e) include a UXO, EO and EOW Management Plan (if required);

The updated Remediation Action Plan must be approved by a NSW EPA Accredited Site Auditor and submitted to the Planning Secretary prior to commencement of works.

Unexpected Contamination Procedure

B17. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with Condition B29 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Utilities and Services

- B18. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- B19. 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.
- B20. Water, electricity, telecommunications and gas services must be provided or upgraded to comply with sections 4.2.7 and 4.1.3 of *Planning for Bush Fire Protection 2006*.

Community Communication Strategy

B21. 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.

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.

The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than two weeks before the commencement of any work.

Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

Compliance

B22. 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.

Ecologically Sustainable Development

B23. Prior to the commencement of construction, the Applicant must submit details of all design measures to the Certifier demonstrating that the proposed new buildings incorporate ecologically sustainable development initiatives as outlined within the *ESD Report* prepared by UMWOW LAI Consulting Engineers dated 20 March 2017 comparable to an informal 4-star Green Star – Design & As Built tool rating.

Outdoor Lighting

B24. Prior to commencement of construction, the Applicant must submit details of all outdoor lighting within the site to the satisfaction of the Certifier demonstrating compliance 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.

Access for People with Disabilities

B25. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Biodiversity

B26. The Applicant must:

- (a) Ensure that no more than 1.74 hectares of native vegetation is affected by the development; and
- (b) Minimise:
 - i) The impacts of the development on hollow-bearing trees; and
 - ii) The clearing of native vegetation and key habitat within the approved disturbance footprint.

B27. Prior to the commencement of vegetation removal, the Applicant must retire biodiversity credits of a number and class specified in **Table 1** and provide evidence to the satisfaction of the Planning Secretary. The retirement of credits must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects, and can be achieved by:

- (a) Acquiring or retiring credits under the Biobanking scheme established under the then *Threatened species Conservation Act 1995*;
- (b) making payments into an offset fund that has been established by the NSW Government; or
- (c) providing suitable supplementary measures.

Table 1: Ecosystem credit requirements

Plant community type	Area to be impacted	Credits required
Dwarf Apple - Broad-leaved Scribbly Gum - Sydney Peppermint low open woodland on sandstone ridges with subtle enrichment in northern Sydney	1.32 ha	59
Smooth-barked Apple - Red Bloodwood open forest on enriched sandstone slopes around Sydney and the Central Coast	0.42 ha	12

Environmental Management Plan Requirements

- B28. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - ii) any relevant limits or performance measures and criteria; and
 - iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - i) impacts and environmental performance of the development;
 - ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - ii) complaint;
 - iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

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

Construction Environmental Management Plan

- B29. Prior to commencement of construction, the Applicant must prepare a Construction Environmental Management Plan (CEMP) and it must include, but not be limited to, the following:
- (a) Details of:
 - i) hours of work;
 - ii) 24-hour contact details of site manager;
 - iii) management of dust and odour to protect the amenity of the neighbourhood;
 - iv) stormwater control and discharge;
 - v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - vi) groundwater management plan including measures to prevent groundwater contamination;
 - vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
 - viii) community consultation and complaints handling;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see Condition B30);
 - (c) Construction Noise and Vibration Management Sub-Plan (see Condition B31);
 - (d) Construction Waste Management Sub-Plan (see Condition B32);

- (e) Construction Soil and Water Management Sub-Plan (see Condition B33);
- (f) Construction Flora and Fauna Management Sub-Plan (see Condition B34);
- (g) Bush Fire and Flood Emergency Response (see Condition B35);
- (h) Asbestos Management Plan; and
- (i) unexpected finds protocols for contamination, Aboriginal and non-Aboriginal heritage and associated communications procedure;

The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.

- B30. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and RMS;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - i) minimise the impacts of earthworks and construction on the local and regional road network;
 - ii) minimise conflicts with other road users;
 - iii) minimise road traffic noise; and
 - iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B31. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works; and
 - (e) describe the community consultation undertaken to develop the strategies in condition B31(d).
 - (f) include a complaints management system that would be implemented for the duration of the construction.
- B32. The Construction Waste Management Sub-Plan (CWMSPP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) removal of hazardous materials including asbestos, particularly the method of containment and control of emission of fibres to the air, 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; and
 - (c) include details for air quality monitoring during remedial works.
- B33. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:

- (a) be prepared by a suitably qualified expert, in consultation with Council;
- (b) 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;
- (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);
- (g) be prepared in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1* (2004) by Landcom.

B34. The Applicant must prepare a Construction Flora and Fauna Management Sub-Plan (FFMSP) in consultation with OEH. The plan must address, but not be limited to, the following:

- (a) measures to minimise the loss of key fauna habitat, including tree hollows;
- (b) measures to minimise the impacts on fauna on site, including conducting fauna pre-clearance surveys prior to vegetation clearing, building/structure demolition;
- (c) engagement of an appropriately qualified ecologist with experience in capturing native wildlife to be on site for all vegetation removal activities;
- (d) controlling weeds and feral pests;
- (e) an Unexpected Finds Procedure detailing procedures and management measures to be implemented in the event that flora and fauna is uncovered in any area not identified in the updated Biodiversity Assessment (BAR);
- (f) measures to ensure biodiversity values not intended to be impacted are protected, including barriers and mapping of protected/ 'no-go' areas; and
- (g) a program to monitor the effectiveness of the measures in the FFMSP.

B35. The Bush Fire and Flood Emergency Response Sub-Plan (BFFERSP) must be prepared in consultation with the RFS and NSW SES and Council and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) address the *Planning for Bushfire Protection 2006*;
- (c) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
- (d) include details of:
 - i) the bush fire and flood emergency responses for the construction phase of the development;
 - ii) predicted flood levels;
 - iii) flood warning time and flood notification;
 - iv) assembly points and evacuation routes;
 - v) evacuation and refuge protocols; and
 - vi) awareness training for employees and contractors.

Construction Parking

B36. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

Infrastructure Upgrades

B37. Prior to the commencement of construction, the Applicant must submit for approval by Council's Director of Operations on behalf of Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- (a) upgrade of pedestrian facilities/connections between the Eton Road Bus Bay and the front/main entrance of the school including:
 - i) A reconfigured intersection, approximately 30m south of the Eton Road intersection with Dunstan Grove, to ensure the pedestrian crossing is consistent with Austroads requirements for pedestrian crossing lengths, vehicle and bicycle movements;
 - ii) The pedestrian crossing must be a raised crossing to moderate vehicle speeds and highlight pedestrian priority at this intersection; and
 - iii) 2.5m minimum width footpaths.
- (b) construction of new footpaths/footpath upgrades and associated pedestrian crossings at no cost to Council between the site and Lindfield Public School including:
 - i) Full survey details for the full distance of travel on the footpath from the subject property all the way to Lindfield railway station. Details to include a longitudinal section and cross-sections every 5m, showing compliance with Council's gradient requirements; and
 - ii) An Arborist assessment in relation to the impact on trees from the construction of the footpath/upgrades to existing footpaths.
- (c) construction of a prioritised raised pedestrian crossing on Grosvenor Road between Austral Road and Bent Street

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2014. The drawings must detail existing utility services (mains and house connections) and trees affected by the works. Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act submissions. Early submission is recommended to avoid delays in commencing construction. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans. An engineering plan assessment fee is also applicable.

Approval must be obtained from Ku-ring-gai Council as the road authority under Section 139 Roads Act 1993 for any proposed works in the public road prior to the commencement of construction.

Evidence of approval must be submitted to the Planning Secretary within 8 weeks of commencement of construction.

Parking Restrictions

- B38. Prior to the commencement of construction, the Applicant must consult with TfNSW to determine whether additional 'No Parking' signs are required to ensure two buses are able to pass each other on all bus routes in the vicinity of the school.
- B39. Prior to the commencement of construction, the Applicant must submit to Council, for approval from Council's Traffic Committee, documentation for the installation of 'No Parking' restrictions on the southern side of Eton Road between (approximately) 76 Eton Road at the curve west of Austral Avenue. The 'No Parking' restrictions are to apply on a part-time basis (7:00am - 9.30am, 2.30pm - 4.30pm, School Days only).

Additional 'No Parking' signs may also be required to ensure two buses are able to pass each other on all bus routes in the vicinity of the school.

Note that as part of the Traffic Committee process, Council will consult with directly affected residents on the proposal to install the restrictions. Fees associated with reporting to the Ku-ring-gai Traffic Committee must be paid by the Applicant prior to processing the application. The installation of the signs must be at no cost to Council.

Evidence of approval must be submitted to the Planning Secretary within 8 weeks of commencement of construction, unless otherwise agreed by the Planning Secretary.

Design of Mechanical Plant and Equipment

- B40. Prior to commencement of construction, plant and equipment must be selected and designed to achieve the relevant intrusiveness criteria set out in Table 2 of the letter titled 'Lindfield Learning Village – Response to EPA Queries' prepared by Acoustic Logic, dated 13 August 2018. The Certifier 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.
- B41. The school PA system and bells must be designed in accordance with the design criteria outlined in the letter titled 'Lindfield Learning Village – Response to EPA Queries' prepared by Acoustic Logic, dated 13 August 2018 and installed to facilitate adjustment in response to any complaints of offence noise that may be received during its operation.

Historic Heritage

- B42. Prior to the commencement of construction, a Conservation Management Plan (CMP) must be prepared in accordance with the relevant guidelines of the NSW Heritage Council, in consultation with the Heritage Division and submitted to the satisfaction of the Planning Secretary. The CMP must be prepared by an appropriately qualified and experienced heritage consultant(s) and have appropriate skills and experience in both built form and landscape heritage with documented experience in the preparation and implementation of CMPs. The CMP must include, but not be limited to:
- (a) A summary of already documented heritage values of the site;
 - (b) The development of heritage design principles for the project to retain the heritage significance of the site;
 - (c) Specific mitigation measures for the site to minimise impact and to ensure the final measures selected are appropriate and the least intrusive option; and
 - (d) Changes to the detailed design to mitigate heritage impacts.
- B43. Prior to the commencement of construction, a Heritage Implementation Strategy including a detailed Schedule of Conservation Works prepared by a suitably qualified heritage consultant must be prepared. A copy must be submitted to the Heritage Division, Council and the Planning Secretary and include but not be limited to:
- (a) Retaining the extant timber ceiling of the existing library area. This must include a methodology for the removal and salvage of ceiling and its reinstatement after the installation of services and include measures to minimise impacts as a result of the installation of services;
 - (b) Significant fabric affected by the internal firewall (including parquet floor within the cafeteria) must be salvaged and stored for reinstatement
 - (c) Retaining the spiral stairs towards the southern boundary of the building (for possible future reuse) and installing lockable gates to prevent access as they are not BCA compliant;
 - (d) Retaining all built in bench seating in the communal areas (inside and outside);
 - (e) Alteration or adaptation of the spaces that are accessed directly from the main circulation spine should utilise the existing patterns of black anodised glazing;
 - (f) Retaining, replacing like-for-like or reinterpreting the green carpet in the main entry and main circulation space(s), and identify any other areas for new floor finishes (epoxy, bright coloured carpet);
 - (g) Retaining all original spherical light fittings in communal/public areas where possible, and any fittings that cannot be retained/upgraded in situ be salvaged for reuse within the building;
 - (h) Retaining planter boxes on roof terraces;
 - (i) Include a methodology for maintenance and cleaning activities (eg concrete cleaning); and
 - (j) Include detailed design of any coloured panels to be affixed to external surfaces, play equipment and shade structures.

- B44. Prior to the commencement of any internal works to the existing building, the Applicant must prepare detailed plans in consultation with an appropriately qualified heritage specialist demonstrating the approved fire separation wall can be reversible with no permanent impact on the fabric of the building. Details endorsed by the heritage consultant must be submitted to the Planning Secretary.
- B45. New works likely to have an impact on any significant heritage fabric of the existing building (not including the landscape setting) must be designed to be reversible in the future.
- B46. Prior to the commencement of any external works to the existing building:
- (a) the Applicant must prepare detailed elevation and window plans in consultation with an appropriately qualified heritage specialist demonstrating how fire protection measures will be installed to ensure heritage impacts will be minimised to the greatest extent practicable; and
 - (b) the design of any coloured panels to external facades, play equipment and shade structures must be endorsed by a suitably qualified heritage consultant.
- Plans endorsed by the heritage consultant must be submitted to the Planning Secretary
- B47. Prior to the commencement of construction, photographic archival recording must be undertaken for the existing building and landscape structures/features in accordance with the Heritage Division Publications *How to prepare archival records of heritage items* and *Photographic Recording of Heritage Items using Film or Digital Capture*. A digital and hardcopy must be provided to the Heritage Division, Council and the Planning Secretary.

Construction and Demolition Waste Management

- B48. The Applicant must notify the RMS Traffic Management Centre 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.

Mechanical Ventilation

- B49. All mechanical ventilation systems must be designed 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 Certifier prior to the commencement of construction.

Rainwater Harvesting

- B50. Prior to the commencement of construction, 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.

Roadworks and Access

- B51. The Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of the longest vehicle entering the site.

Car Parking and Service Vehicle Layout

- B52. Plans demonstrating compliance with the following requirements must be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works:
- (a) minimum of 65 on-site car parking spaces for use during operation of the development and constructed in accordance with the latest version of AS2890.1;
 - (b) all operational vehicles accessing the Site, including the loading dock, are to be limited to Medium Rigid Vehicles or smaller only, unless otherwise agreed by Secretary;
 - (c) all demolition and construction vehicles (excluding worker vehicles) are to be contained wholly within the Site and vehicles must enter the Site before stopping;
 - (d) appropriate pedestrian advisory signs are to be provided at the egress point of the car park;

- (e) all works/ regulatory signposting associated with the proposed development must be at no cost to the relevant roads authority;
- (f) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with AUSTRROADS. In this regard, a plan must be submitted to Council for approval, which shows that the proposed development complies with this requirement; and
- (g) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Bicycle Parking and End-of-Trip Facilities

- B53. Plans demonstrating compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:
- (a) the provision of a minimum 42 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, (including provision for both wheels and the frame to be locked to the bicycle rack) 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 must be at no cost to the relevant roads authority.

Public Domain Works

- B54. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Compliance Reporting

- B55. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifier.

Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifier in writing at least seven days before this is done.

Independent Environmental Audit

- B56. No later than two weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifier.
- B57. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department and the Certifier under condition B56 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- B58. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition B57(b) of this consent;

- (b) submit the response to the Department and the Certifier; and
- (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifier in writing when this has been done.

PART C DURING CONSTRUCTION

Interpretation Strategy

- C1. Within four weeks of commencement of construction, an Interpretation Strategy for the building must be prepared to guide how information on the history and significance of the building will be provided for the students and the general public. The strategy should identify the types and locations of interpretive media that will be installed as part of this project.

School Bus Plan

- C2. Within eight weeks of commencement of construction, a School Bus Plan must be prepared in consultation with TfNSW and a copy submitted to the Planning Secretary. The plan must have regard to existing physical constraints, integration with existing services, funding, availability of buses and expected demand for any services by school students

Approved Plans to be On-site

- C3. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

Site Notice

- C4. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer.
 - (b) 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 site is not permitted.

Operation of Plant and Equipment

- C5. 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.

Demolition

- C6. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

Construction Hours

- C7. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive; and
 - (b) between 8:00 am and 3:30 pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- C8. Activities may be undertaken outside of the hours in Condition C6 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Secretary or her nominee if appropriate justification is provided for the works.

Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- C9. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- C10. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved **CEMP** (including Sub-Plans).

Construction Traffic

- C11. All construction vehicles (excluding worker vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.

Road Occupancy Licence

- C12. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

- C13. 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

- C14. 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

- C15. The public way (outside of any approved 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.

Construction Noise Limits

- C16. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

- C17. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under Condition C7.
- C18. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C19. 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 site.

Vibration Criteria

- C20. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C21. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C20.
- C22. The limits in conditions C20 and C21 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B29 of this consent.

Tree Protection

- C23. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees 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 site that are not approved for removal must be suitably protected during construction; 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.

Rock Outcrops

- C24. Rock outcrops must be protected during construction activities and appropriately fenced.

Dust Minimisation

- C25. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C26. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and

- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

C27. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

Erosion and Sediment Control

C28. All erosion and sediment control measures, must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Imported Soil

C29. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Department and/or Certifier upon request.

Disposal of Seepage and Stormwater

C30. 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 EPA in accordance with the *Protection of the Environment Operations Act 1997*.

Aboriginal Cultural Heritage

C31. A representative of the Local Aboriginal Land Council must be present to observe any excavations greater than 1 metre in depth. In the event that any unexpected finds be discovered, any direction from the Local Aboriginal Land Council representative and the procedures outlined in Condition C32 must be followed.

Unexpected Finds Protocol – Aboriginal Cultural Heritage

C32. 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 objects/sites. Works can only recommence with the written approval of OEH.

Unexpected Finds Protocol – Historic Heritage

C33. 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 the OEH.

Waste Storage and Processing

- C34. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C35. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C36. 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.

- C37. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

Handling of Asbestos

- C38. 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.

Community Engagement

- C39. The Applicant must consult with the community regularly throughout construction, including consultation with the nearby sensitive receivers, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

Incident Notification, Reporting and Response

- C40. The Department 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.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

Non-Compliance Notification

- C41. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

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.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- C42. Within three months of:

- (a) the submission of a compliance report under condition B55 and B55;
- (b) the submission of an incident report under condition C36;
- (c) the submission of an Independent Audit under condition B56;
- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

- C43. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Certifier. Where revisions are required, the revised document must be submitted to the Certifier for approval within six weeks of the review.

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

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Notification of Occupation

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

External Walls and Cladding

- D2. Prior to the occupation of the building, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Protection of Public Infrastructure

- D4. 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.

Note: This condition does not apply to any damage to roads caused as a result of general road usage

Post-construction Dilapidation Report

- D5. Prior to occupation of the building, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure.
 - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier 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) to be forwarded to Council.

Utilities and Services

- D6. Prior to occupation of the building, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Flooding

- D7. No later than six weeks prior to the commencement of operation, the Flood Report dated 28 August 2018 (Revision C) and prepared by EFWF Pty Ltd must be updated by a suitably qualified person to address OEH's correspondence dated 5 October 2018 and any recommendations be implemented. A copy of the updated report must be provided to the Planning Secretary.

Evacuation and Emergency Management

- D8. No later than six weeks prior to the commencement of operation, an Operational Flood Evacuation and Emergency Management Plan (OFEMP) must be prepared by a suitably qualified person in consultation with the NSW SES and Council and in accordance with *Floodplain Risk Management Guideline* (OEH, 2007). The plan should detail specific flood emergency measures required to be incorporated into the detailed design to mitigate impacts of

a range of flood events up to and including the PMF and include measures to manage flood impacts outside the site to ensure accessibility is maintained. The plan must include details of:

- (a) predicted flood levels;
- (b) flood warning time and flood notification;
- (c) assembly points and evacuation routes;
- (d) evacuation and refuge protocols; and
- (e) awareness training for employees and contractors.

A copy of the Plan must be submitted to the NSW SES, Council and the Planning Secretary.

- D9. No later than six weeks prior to the commencement of operation, an Operational Bush Fire Evacuation and Emergency Management and Evacuation Plan must be prepared in consultation with RFS and in accordance with section 4.2.7 of *Planning for Bush Fire Protection 2006, Development Planning – A Guide to Developing a Bush Fire Emergency and Evacuation Management and Excavation Plan December 2014* (or equivalent) and Australian Standard AS 3745-2010 *Planning for Emergencies in Facilities*.

The Plan must address evacuation risk with regard to the multi-level configuration of the school, incorporate provisions to address access into the site, the level of available firefighting assistance, and the blockage of evacuation escape routes.

The plan must be updated on an annual basis following an audit of bush fire protection measures, including maintenance of APZs, water supplies and access roads on and off site.

A copy of the Plan must be submitted to the NSW RFS, Council and the Planning Secretary.

Bush Fire

- D10. The alterations and additions required by Condition B12 must be carried out and certified that they have been constructed in accordance with the design plans.
- D11. The Applicant must complete the internal roads and fire trails required by Condition B5 and B6 prior to any occupation.
- D12. Prior to commencement of any occupation, the instrument referred to in B10 must be registered on title pursuant to Section 88 of the *Conveyancing Act 1919* to ensure ongoing management of the proposed APZs within the subject site in perpetuity, and evidence submitted to the Planning Secretary.

Infrastructure Upgrades

- D13. The Applicant must complete the following infrastructure upgrades as required by Condition B37 prior to any occupation:
- (a) internal road upgrade works;
 - (b) pedestrian crossings; and
 - (c) footpaths (construction of new footpaths only).

Road Safety Audit

- D14. Prior to occupation an independent Road Safety Audit (RSA), prepared by a suitably qualified consultant, must be undertaken of the drop-off/pick-up area and bus layby design along Eton Road, in consultation with TfNSW, and any recommendations of the RSA must be implemented. The Applicant must submit the RSA to the approval of the Certifier prior to any occupation.

Works as Executed Plans

- D15. Prior to occupation of the building, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Operational Flora and Fauna Management Plan

- D16. Prior to operation, the Applicant must prepare an Operational Flora and Fauna Management Plan (OFFMP) in consultation with OEH. The OFFMP include measures to ensure biodiversity values not intended to be impacted are protected, including but not limited to:

- (a) retention of areas of areas of native vegetation for threatened flora and fauna within the site;
- (b) weed control;
- (c) feral animal control;
- (d) pathogen management procedures;
- (e) monitoring; and
- (f) rehabilitation actions.

Green Travel Plan

D17. Prior to the commencement of operation, a Green Travel Plan (GTP), must be prepared and be submitted to the Secretary to promote the use of active and sustainable transport modes. The plan must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with Council;
- (b) include 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;
- (c) include specific tools and actions to help achieve the objectives and mode share targets;
- (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (e) include 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.

Operational Transport and Access Management Plan (OTAMP)

D18. An OTAMP is to be prepared for the school by a suitably qualified person, in consultation with Council, Transport for NSW and RMS, to the satisfaction of the Secretary, and must address the following:

- (a) Detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
- (b) the location of all car parking spaces on the school campuses 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, including staff management/traffic controller arrangements;
- (d) delivery and services vehicle and bus access and management arrangements;
- (e) management of approved access arrangements;
- (f) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts;
- (g) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (h) a monitoring and review program.

The OTAMP(s) must be submitted to the Secretary for approval prior to operation of the development.

The OTAMP(s) (as revised from time to time) must be implemented by the Applicant for the life of the development.

School Zones

D19. Installation of all required School Zone signage, speed management signage and associated pavement markings is to be completed prior to commencement of use of the development.

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

D20. Following installation of School Zone signage, speed management signage and associated pavement markings, the Applicant must arrange an inspection with Council and/or RMS for formal handover of assets. The handover of assets must occur prior to any occupation of the development.

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

Mechanical Ventilation

D22. Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifier, 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

D23. 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 commencement of use of any stage of the development.

Fire Safety Certification

D24. Prior to the final occupation, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

D25. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier 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 Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (c) person/s authorised to, for the life of the development.

Compliance with Food Code

D26. 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 Certifier prior to occupation.

Stormwater Quality Management Plan

D27. Prior to occupation of the building, 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.

Details demonstrating compliance must be submitted to the Certifier prior to occupation.

Stormwater Management

D28. Prior to the commencement of any occupation, maintenance of the existing stormwater system must be carried out including photographic investigation of the main stormwater lines. Any identified faults must be rectified to ensure the system can be consistent with *Guidelines for developments adjoining land managed by the Office of Environment and Heritage* (OEH 2013).

Rainwater Harvesting

D29. A signed works-as-executed Rainwater Re-use Plan must be provided to the Certifier prior to any occupation of the building.

Signage

D30. Way-finding signage and signage identifying the location of staff car parking must be installed prior to occupation.

D31. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.

D32. '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.

Validation Report

D33. The Applicant must prepare a Validation Report for the development. The Validation Report must:

- (a) be prepared by an appropriately qualified environmental consultant and reviewed by a Site Auditor;
- (b) be submitted to EPA, the Planning Secretary and the Certifier for information one month after the completion of remediation works;
- (c) be prepared in accordance with the RAP 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) describe the location, nature and extent of any remaining contamination on site;
 - iii) sampling and analysis plan and sampling methodology;
 - iv) results of sampling of treated material, compared with the treatment criteria;
 - v) results of any validation sampling, compared to relevant guidelines/criteria;
 - vi) discussion of the suitability the remediated areas for the intended land use; and
 - vii) any other requirement relevant to the project.

Site Audit Report and Site Audit Statement

D34. Prior to occupation of the building, the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use.

D35. Within 3 months of submission of the Validation Report required by condition D33, the Applicant must demonstrate to the satisfaction of the Certifier that the Site Auditor has submitted a Site Audit Report and Site Audit Statement to EPA in accordance with the requirements of EPA's *Guidelines for the NSW Site Auditor Scheme* (DEC, 2006).

Landscaping

D36. The Applicant must not commence operation until the Landscape Management Plan is implemented.

Speed Limit Authorisation

D37. The Applicant must submit the following details to RMS, at least eight weeks prior to occupation of the site, and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the Conditions of Consent;
- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
 - i) accurate Site boundaries;
 - ii) details of all road reserves, adjacent to the Site boundaries;
 - iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
 - iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
 - v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
 - vi) all existing and proposed street furniture and street trees.

PART E POST OCCUPATION

Bush Fire

- E1. The certification of all listed bush fire protection measures must be undertaken annually by a suitable qualified bush fire consultant and submitted to the Planning Secretary and RFS.

Infrastructure Upgrades

- E2. The Applicant must complete the upgrading of existing footpaths as required by Condition B37 prior to the commencement of School Term 2 2019.

Out of Hours Event Management Plan

- E3. The Applicant is to prepare an Out of Hours Event Management Plan for out of hours events run by the school that involve 100 or more people. The plan must be prepared in consultation with Council, and include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) measures to minimise localised traffic and parking impacts; and
 - (f) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.

The Applicant must submit a copy of the Out of Hours Event Management Plan to the Department and to the Council, prior to commencement of the first event.

The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.

- E4. The Applicant is to prepare an Out of Hours Event Management Plan for out of hours events run by external parties that involve 100 or more people. The plan must be prepared prior to each relevant event, in consultation with Council, and include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) measures to minimise localised traffic and parking impacts; and
 - (f) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.

The Applicant must submit a copy of the Out of Hours Event Management Plan to the Department and to the Council, prior to commencement of each relevant event.

The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

Operation of Plant and Equipment

- E5. All plant and equipment used on site, 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.

Community Communication Strategy

- E6. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Operational Noise Limits

- E7. Noise associated with the operation of any plant, machinery, School public address system, School bell or other equipment on the Subject Site and community use of the School hall outside of school hours, must not exceed 5 dB(A) above the background noise level when measured at the boundary of any sensitive receiver.
- E8. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in condition B40. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.
- E9. Courtyards and other outdoor areas likely to be used in conjunction with any function or event held in the auditorium must not be used after 6:00 pm Mondays to Saturdays.
- E10. Grounds maintenance involving the use of power equipment must be restricted to between:
- (a) 7:30 am and 6:00 pm Mondays to Fridays; and
 - (b) 8:00 am and 1:00 pm Saturdays.
- E11. Use of the gymnasium and squash courts must be restricted to between:
- (a) 7:00 am and 8:00 pm Mondays to Fridays; and
 - (b) 8:00 am and 6:00 pm Saturdays.

Unobstructed Driveways and Parking Areas

- E12. 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.

Green Travel Plan

- E13. The Green Travel Plan required by Condition D17 of this consent must be updated annually and implemented.

Lighting

- E14. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Warm Water Systems and Cooling Systems

- E15. 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.

Fire Safety Certificate

- E16. 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

E17. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B13 for the duration of occupation of the development.

Hazards and Risk

E18. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.

In the event of an inconsistency between the requirements E18(a) and E18(b), the most stringent requirement must prevail to the extent of the inconsistency.

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Department 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 fails to give the notification required under condition C41 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

