

# 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 approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

David Gainsford  
**Executive Director**  
**Priority Projects**

Sydney

2018

File: SSD 8378

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

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

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD 8378
<b>Applicant:</b>	NSW Department of Education
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	Lot C, The Hermitage Way, Gledswood Hills (Lot 3 DP 1227491)
<b>Development:</b>	<p>Construction of Gledswood Hills Public School, comprising:</p> <ul style="list-style-type: none"><li>• Site preparation works, including bulk earthworks and tree removal;</li><li>• Construction of a new public school (Kindergarten to Year 6) in two construction stages (Stage 1 and Stage 2), including:<ul style="list-style-type: none"><li>○ three multi-purpose school buildings, two to four storeys in height;</li><li>○ one hard surface sports court and turfed outdoor playing areas;</li><li>○ on-site car parking for 75 vehicles;</li><li>○ covered outdoor learning areas;</li><li>○ one multi-purpose hall accommodating an out of school hours care facility;</li><li>○ landscaping works including tree planting and security fencing;</li><li>○ new vehicular access points off roads MC06 and MC07;</li><li>○ works within MC06 to provide a student drop-off and pick-up zone;</li><li>○ provision of pedestrian crossings / refuge on public roads;</li><li>○ construction of associated infrastructure services including stormwater management works and electricity substation; and</li><li>○ one business identification sign fronting MC07.</li></ul></li></ul>

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## SUMMARY OF MODIFICATIONS

<b>Application Number</b>	<b>Determination Date</b>	<b>Modification Description</b>
SSD 8378 MOD 1	9 December 2019	Seeks to modify Schedule 2 condition A2 of the consent to update the plans that have been approved to reflect a change in the number of trees that exist on the site.
SSD 8378 MOD 2	17 April 2023	Modifications including internal reconfiguration, addition of external louvres, external colours, external stairs and landscaping. Staging to construct and occupy Stage 2 building (Stage 2A) prior to the completion of Stage 2 car park (Stage 2B).

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## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Department of Education or any person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	<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"><li>• building and road dilapidation surveys;</li><li>• investigative drilling, investigative excavation or Archaeological Salvage;</li><li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li><li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li><li>• minor adjustments to services or utilities.</li></ul>
<b>Council</b>	Camden Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS, Response to Submissions and Supplementary Response to Submissions, including the works and activities comprising site preparation, construction, and use, as modified by the conditions of this consent.

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<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement, State Significant Development, Gledswood Hills Public School</i> , prepared by DFP Planning Consultants, dated January 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible GTP</b>	Means what is possible and practical in the circumstances Green Travel Plan
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: “material harm” is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Appendix [x].
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEH</b>	NSW Office of Environment and Heritage
<b>OTAMP</b>	Operational Traffic and Access Management Plan

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<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>RMS</b>	NSW Roads and Maritime Services
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1 OR describe the site in detail.
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

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## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

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

#### Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS and Response to Submissions; and
- (d) in accordance with the approved plans in the table below:

<b>Architectural Drawings prepared by <i>Perumal Pedavoli Architects</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SD-00-001	1	Cover Sheet / Overall Site Plan	05.08.22
SD-00-002	1	Overall Roof Plan	05.08.22
SD-00-003	1	Overall Site Plan - Signage	05.08.22
SD-01-001	1	Lower Ground Floor Plan - Site Plan	05.08.22
SD-01-002	1	Ground Floor Plan - Site Plan	05.08.22
SD-01-003	1	First Floor Plan - Site Plan	05.08.22
SD-01-004	1	Second Floor Plan - Site Plan	05.08.22
SD-01-005	1	Third Floor Plan - Site Plan	05.08.22
SD-01-006	1	Roof Plan	05.08.22
SD-01-101	1	Lower Ground Floor Plan	05.08.22
SD-01-102	1	Ground Floor Plan	05.08.22
SD-01-103	1	First Floor Plan	05.08.22
SD-01-104	1	Second Floor Plan	05.08.22
SD-01-105	1	Third Floor Plan	05.08.22
SD-01-106	1	Roof Plan	05.08.22
SD-02-001	1	Elevations and Sections Sheet 1	05.08.22
SD-02-002	1	Elevations and Sections Sheet 2	05.08.22
SD-02-003	1	Elevations and Sections Sheet 3	05.08.22
SD-02-004	1	Elevations and Sections Sheet 4	05.08.22
SD-20-001	1	Shadow Diagram – 21 June 9am	05.08.22
SD-20-002	1	Shadow Diagram – 21 June 12pm	05.08.22
SD-20-003	1	Shadow Diagram – 21 June 3pm	05.08.22

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Landscape Drawings prepared by <i>Lorna Harrison Landscape Architects</i>			
Dwg No.	Rev	Name of Plan	Date
00_02	D	Landscape Site Plan	22.01.23
00_03	B	Landscape Planting Plan North	21.20.19
00_04	B	Landscape Planting Plan South	22.01.23
00_05	C	Landscape Paving Plan	25.01.23

- 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) and A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

## Limits of Consent

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

## Prescribed Conditions

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

## Planning Secretary as Moderator

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

## Long Service Levy

- A8. 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

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

## Evidence of Consultation

- A10. 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 or Certifier for 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

- A11. With the approval of the Planning Secretary, the Applicant may:

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- (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).

A12. 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.

A13. 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.

## Structural Adequacy

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

### Notes:

- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

## External Walls and Cladding

A15. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## Applicability of Guidelines

A16. 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

A17. 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

A18. 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:

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- (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 complaint 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.

### 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.

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## PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Design Modifications

- B1. Prior to commencement of works for specific elements of the proposed development (as specified in the conditions below), the Applicant must prepare amended plans and submit for approval by the Planning Secretary:
- (a) Prior to commencement of works for Block A, the Applicant must prepare amended plans including the provision of an awning or canopy projecting forward from the building line above the opening demarcating the entry point to Block A on MC07; and
  - (b) Prior to the commencement of construction of the boundary fencing, the Applicant must prepare an amended site plan relocating the boundary fence to provide a setback of at least 1m – 2m from the western, southern and eastern (up to the southern edge of the car parking area) boundaries with a minimum setback of 1.2m from the building line.

### Notification of Commencement

- B2. 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

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

### External Walls and Cladding

- B4. Prior to the commencement of construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use 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

- B5. 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 Certifier and Council.

### Unexpected Contamination Procedure

- B6. 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 Construction Environmental Management Plan (**CEMP**) in accordance with condition B14 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.

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## Utilities and Services

- B7. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- B8. 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.

## Community Communication Strategy

- B9. 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

- B10. 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

- B11. Prior to the commencement of construction, the Applicant must submit details of all design measures to the satisfaction the Certifier demonstrating the proposal incorporates ecologically sustainable development initiatives as outlined in *ESD SEARs Report* prepared by JHA Services dated 15 June 2017.

## Outdoor Lighting

- B12. Prior to commencement of construction, all outdoor lighting within the site must comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifier.

## Access for People with Disabilities

- B13. 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

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commencement of construction for each construction stage, 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.

The certified plans for Stage 1 of the construction works must incorporate additional temporary ramps to demonstrate that all parts of the site provide access for people with disabilities.

## Construction Environmental Management Plan

B14. 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 B16);
- (c) Construction Noise and Vibration Management Sub-Plan (see Condition B17);
- (d) Construction and Demolition Waste Management Sub-Plan (see Condition B18);
- (e) Construction Soil and Water Management Sub-Plan (see Condition B19);
- (f) an unexpected finds protocol for contamination, Aboriginal and non-Aboriginal heritage and associated communications procedure and associated communications procedure; and
- (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

B15. 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.

B16. 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;
- (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.

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- B17. The **Construction Noise and Vibration Management Sub-Plan (CNVMSP)** 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 (wherever applicable);
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition B17(d); and
  - (f) include a complaints management system that would be implemented for the duration of the construction.
- B18. The **Construction and Demolition Waste Management Sub-Plan (CDWMSP)** 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; and
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- B19. 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 Certifier prior to the commencement of construction;
  - (c) describe all erosion and sediment controls to be implemented during construction;
  - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (e) detail all off-Site flows from the Site; and
  - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI).

## Construction Parking

- B20. 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 public and residential streets or public parking facilities.

## Road Design and Traffic Facilities

- B21. All roads and traffic facilities must be designed to meet the requirements of Council or RMS (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

## Stormwater Management System

- B22. Prior to the commencement of construction, the Applicant must design a stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS;
  - (c) be in accordance with applicable Australian Standards;

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

## Operational Noise – Design of Mechanical Plant and Equipment

- B23. Prior to commencement of construction, the Applicant must incorporate the noise mitigation recommendations in the with the *Acoustic Assessment Report 6130-1.1R Rev E* prepared by Day Design Pty Ltd dated 2 August 2018 into the detailed design drawings. 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 in the with the *Acoustic Assessment Report 6130-1.1R Rev E* prepared by Day Design Pty Ltd dated 2 August 2018.

## Construction and Demolition Waste Management

- B24. 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.

## Operational Waste Storage and Processing

- B25. Prior to the commencement of construction of the waste storage area, the Applicant must design of the operational waste storage area in accordance with Council's guidelines and specifications to reduce the pollution due to the bins and accommodate the required number of skip bins.

## Mechanical Ventilation

- B26. 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

- B27. 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

- B28. 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 a 11.5m long heavy rigid vehicle when the car park is not in use.

## Car Parking and Service Vehicle Layout

- B29. Plans demonstrating compliance with the following requirements shall be submitted to the satisfaction of the Certifier prior to the commencement of works:
- (a) all vehicles are capable of entering and leaving the site in a forward direction;
  - (b) all on-site car parking spaces are designed in accordance with AS2890.1 – 2002;
  - (c) all turning areas and parking spaces for service vehicles are designed in accordance with AS2890.2 – 2002 (for a 11.5m long heavy rigid vehicle) when the car park is not in use (empty car park); and
  - (d) 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, are in accordance with AUSTROADS.

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## Bicycle Parking and End-of-Trip Facilities

- B30. 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:
- the provision of a minimum 60 bicycle parking spaces including 40 spaces located adjacent to the entrance gate to MC06 and 20 spaces adjacent to the entrance gate to MC07;
  - the layout, design and security of bicycle facilities must comply with the minimum requirements of *AS 2890.3:2015 Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance; and
  - the provision of end-of-trip facilities for staff.

## Public Domain Works

- B31. 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

- B32. 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

- B33. No later than four 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.
- B34. Independent Audits of the development must be carried out in accordance with:
- the Independent Audit Program submitted to the Department and the Certifier under condition B33 of this consent; and
  - the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- B35. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- review and respond to each Independent Audit Report prepared under condition B34(b) of this consent;
  - submit the response to the Department and the Certifier; and
  - 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.

## Aboriginal Cultural Heritage

- B36. Prior to the commencement of above ground works, the details of a design strategy for incorporating elements of Aboriginal cultural heritage in the school design, including in relation to wayfinding, signage, room naming, materials and colour selection, placemaking and 'welcome to country' signage must be submitted for the approval of the Planning Secretary.

## Sydney Water Compliance

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B37. The approved plans must be submitted to the Sydney Water Tap in online service to determine whether the development the development will affect any Sydney Water sewer or water main, stormwater drains and / or easement, and if further requirements need to be met.

### **Water Conservation**

B38. Details demonstrating the proposal would achieve a 40% reduction in baseline potable water consumption in accordance with Section 8.1 of the Turner Road Development Control Plan 2007 are to be submitted to the satisfaction of the Certifier.

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## PART C DURING CONSTRUCTION

### Approved Plans to be On-site

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

### Site Notice

- C2. 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 841mm x 594mm (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

- C3. 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

- C4. 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

- C5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.

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

- C6. Activities may be undertaken outside of these hours 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.
  - (c) works are inaudible at the nearest sensitive receivers.
  - (d) works are approved in advance in writing by the Planning Secretary and sufficient 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.

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- C7. Rock breaking, rock hammering, sheet piling, pile driving, and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.
- C8. Deliveries by oversized vehicles may be undertaken outside of these hours where:
- (a) it is the delivery to or transport from the development site of oversize plant, equipment and structural elements outside standard construction hours, subject to:
    - (i) deliveries / collection not being undertaken on a Sunday or public holiday;
    - (ii) oversize plant, equipment and structural elements not being readied for transport, loaded or unloaded, set up or installed other than during the standard construction hours, and
    - (iii) the proponent notifying noise sensitive receivers, especially residences, likely to be affected by noise from any delivery or transport activity permitted by this condition of that delivery not less than 3 days and not more than 7 days before the delivery is undertaken.

**Note:**

*'oversize' for the purposes of this condition, means exceeding dimensions prescribed for vehicles such that the vehicle transporting the oversize plant, equipment or structural element would require conditional registration by the RMS and would be subject to restrictions imposed by the RMS that require the vehicle to operate on a public road outside the standard construction hours.*

*'structural element' for the purposes of this condition, means a pre-fabricated structural component that is not comprised of smaller components and which is unable to be divided, broken down or otherwise disassembled to enable transport during the standard construction hours."*

## Implementation of Management Plans

- C9. 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

- C10. 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

- C11. 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

- C12. 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

- C13. 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.

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## No Obstruction of Public Way

- C14. 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

- C15. 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.
- C16. 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 C5.
- C17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C18. 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

- C19. 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).
- C20. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C19.
- C21. The limits in conditions C19 and C20 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the **CEMP** required by Condition B14 of this consent.

## Tree Protection

- C22. For the duration of the construction works:
- (a) Any existing 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 in accordance with *AS 4970 2009: Protection of trees on development sites*;
  - (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 and alternative tree protection measures must be installed, as required; and
  - (e) 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.

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## Dust Minimisation

- C23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C24. During construction, the Applicant must ensure that:
- exposed surfaces and stockpiles are suppressed by regular watering;
  - all trucks entering or leaving the site with loads have their loads covered;
  - trucks associated with the development do not track dirt onto the public road network;
  - public roads used by these trucks are kept clean; and
  - land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## Air Quality Discharges

- C25. 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

- C26. 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

- C27. The Applicant must:
- ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
  - keep accurate records of the volume and type of fill to be used; and
  - make these records available to the Certifier upon request.

## Disposal of Seepage and Stormwater

- C28. 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*.

## Unexpected Finds Protocol – Aboriginal Heritage

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

## Unexpected Finds Protocol – Historic Heritage

- C30. 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

- C31. 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.

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- C32. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C33. 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.
- C34. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural of artificial watercourse.

## Handling of Asbestos

- C35. 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.

## Incident Notification, Reporting and Response

- C36. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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

- C37. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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](mailto: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

- C38. Within three months of:
- the submission of a compliance report under condition B32;
  - the submission of an incident report under condition C36;
  - the submission of an Independent Audit under condition B33 and B34;
  - the approval of any modification of the conditions of this consent; or
  - 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 must be notified in writing that a review is being carried out.

- C39. 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 Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary 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.

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## Design of an awning or covered pathway

- C40. Within three months of commencement of above ground works, the Applicant must submit plans for including the provision of an awning over the entire length of the pathway from the MC06 entry gate to the nearest school building, for approval by the Planning Secretary.

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## PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Design Modifications

- D1. Prior to the occupation of the premises or the commencement of use (whichever occurs first), the following design elements must be incorporated in the buildings and overall site layout to the satisfaction of the Planning Secretary:
- (a) Provision of an awning marking the entry on MC07 as required by condition B1(a);
  - (b) Provision of an awning over the entire length of the pathway from the MC06 entry gate to the nearest school building as required by condition C40;
  - (c) Provision of 40 bicycle parking spaces adjacent to the entrance gate on MC06 and 20 spaces adjacent to the entrance gate on MC07;
  - (d) Provision of at least five canopy trees (native species) on the site with a mature height of at least 15 metres (m), including at least three trees at the north-western edge of the turfed outdoor play area and at least two trees within the front setbacks to MC07 or The Hermitage Way;
  - (e) Relocation of the boundary fence to provide a setback of at least 1m – 2m from the western, southern and eastern (up to the southern edge of the car parking area) boundaries as required by condition B1(b); and
  - (f) Provision of dense soft landscaping comprising shrubs and ground cover (minimum height 300mm with no elements that will allow climb points), between the fence and the site boundary to define the interface between the public domain and the site.

### Aboriginal Cultural Heritage

- D2. Prior to the commencement of use, additional documentation incorporating elements of Aboriginal cultural heritage in the school design (in accordance with the approved strategy required by condition B2), including in relation to wayfinding, signage, room naming, materials and colour selection, placemaking and 'welcome to country' signage must be submitted for the approval of the Planning Secretary.

### Notification of Occupation

- D3. 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

- D4. 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.
- D5. 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

- D6. 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.

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

## Post-construction Dilapidation Report

- D7. 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

- D8. 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*.

## Roadworks, Signposting and Line Marking

- D9. The following pedestrian safety facilities must be designed and be approved by Council and Roads and Maritime Services (RMS) prior to the occupation or commence of use following completion of Stage 1 construction works:
- (a) a 300mm wide median island at the northern end of MC06 in front of the driveway providing access to the proposed car park to ensure left-in and left-out movements for all vehicles accessing the car park;
  - (b) a raised zebra (wombat) crossing replacing the existing speed hump on The Hermitage Way;
  - (c) pedestrian crossings / refuge on MC06 and MC07, with the final design and location of the crossings / refuge approved by RMS in consultation with Council; and
  - (d) alterations to the length of the drop-off and pick-up zone on MC06 to accommodate the required pedestrian infrastructure.
- D10. Prior to the commencement of operation of the development, the Applicant must complete the construction of all of the above facilities required in D9 in accordance with Council's / RMS design requirements and to the satisfaction of Council and RMS. The Applicant must obtain approval for the works in the public reserve under section 138 of the *Roads Act 1993*.
- D11. Prior to the commencement of operation, the Applicant must demonstrate that the following requirements are provided to the satisfaction of the Certifier:
- (a) a signposting and line marking plan in consultation with Council, identifying all changes to kerbside parking restrictions along MC06 to accommodate the vehicle movements to and from the Site;
  - (b) provision of sign posting along the nominated student drop-off and pick-up zone on MC06, identifying the use of the area as a student drop-off and pick-up zone on school days between 8am - 9:30am and 2:30pm - 4pm on school days;
  - (c) implementation of all kerbside parking restrictions and associated line marking must be implemented to the satisfaction of Council; and
  - (d) evidence of completion of construction of the roundabout at the northern end of MC06.
- D12. Following installation of School Zone signage, speed management signage and associated pavement markings, as required by Condition D11 of this consent, the Applicant must arrange an inspection with Roads and Maritime Services for formal handover of assets. The handover of assets must occur prior to commencement of operation.

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## Works as Executed Plans

D13. 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.

## Green Travel Plan

D14. The *Green Travel Plan (GTP)*, prepared by Woolacotts Consulting Engineers dated 23 November 2017, must be amended by a suitably qualified traffic consultant in consultation with TfNSW and submitted to the satisfaction of the Certifier prior to occupation. The GTP must include, but not be limited to, the following:

- (a) objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the **GTP**;
- (b) specific tools and actions to help achieve the objectives and mode share targets;
- (c) 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
- (d) 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.

## Mechanical Ventilation

D15. 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.

## Fire Safety Certification

D16. 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

D17. 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;
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s; and
- (c) person/s authorised to, for the life of the development.

## Compliance with Food Code

D18. 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

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*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

- D19. 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:
- maintenance schedule of all stormwater quality treatment devices;
  - record and reporting details;
  - relevant contact information; and
  - Work Health and Safety requirements.
- D20. Details demonstrating compliance must be submitted to the Certifier prior to occupation.

## Rainwater Harvesting

- D21. A signed works-as-executed Rainwater Re-use Plan must be provided to the Certifier prior to occupation of the building.

## Signage

- D22. Way-finding signage and signage identifying the location of staff car parking must be installed prior to occupation.
- D23. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.
- D24. '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.
- D25. The business identification sign in front of MC07 entrance must be installed prior to the occupation of the premises.

## Operational Waste Management Plan

- D26. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- detail the type and quantity of waste to be generated during operation of the development;
  - describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009); and
  - detail the materials to be reused or recycled, either on or off site.

## Landscaping

- D27. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Certifier. The plan must:
- provide for the planting in accordance with the approved *Landscape Site Plan (Dwg No. 002\_02 Issue B)* prepared by Lorna Harrison Landscape Architects dated 28.05.18 and five additional canopy trees as required by Condition B20;
  - detail the species to be planted on-site;
  - identify that all trees planted on the site are established prior to the occupation of the premises; and
  - describe the monitoring and maintenance measures to manage revegetation and landscaping works.
- D28. The Applicant must not commence operation until the Landscape Management Plan is submitted to the Certifier.

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## Car Parking and Vehicular Areas

D29. Prior to commencement of operation of the relevant stage, the Applicant must demonstrate compliance with the following requirements, to the satisfaction of the Certifier:

- (a) provision of 45 on-site car parking spaces (including a minimum of one accessible car parking space) prior to occupation of the site after Stage 1 construction works;
- (b) provision of 75 on-site car parking spaces (including a minimum of two accessible car parking spaces) (Stage 2B) within 3 months of the commencement of occupation of the Stage 2 building (Stage 2A), unless otherwise agreed by the Planning Secretary;
- (c) provision of 60 bicycle parking spaces in accordance with Condition B30 with end-of trip facilities;
- (d) provision of all car parking spaces in accordance with *AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking*;
- (e) provision of all disabled parking spaces in accordance with *AS/NZS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities*;
- (f) provision of on-site turning areas for vehicles up to 11.5m in length in accordance with *AS/NZS 2890.2:2002 Parking facilities – Off-street commercial vehicles* applicable to an empty car park (no vehicles parked);
- (g) provisions for all vehicles to enter and leave the Site in a forward direction;
- (h) provision of appropriate pedestrian advisory signs at the egress from both car parking areas; and
- (i) provision of all works/ regulatory signposting associated with the proposed development at no cost to the relevant public authority.

## Road Damage

D30. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the 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.

## Operational Traffic and Access Management Plan

D31. Prior to the commencement of use of the Site, an **Operational Traffic and Access Management Plan (OTAMP)** must be prepared for the school, by suitably qualified consultant in consultation with Council and TfNSW and any local bus provider), to the satisfaction of the Planning Secretary. The **OTAMP** must include, but not be limited to, the following:

- (a) detailed pedestrian analysis including the identification of safe route options and identifying management measures (if needed);
- (b) location of all car parking spaces within the Site and the proposed use of such spaces;
- (c) identification of bus stop locations, kerbside car parking spaces and associated infrastructure requirements;
- (d) bus routes and bus services, the level of reliability and service, measures to ensure staggered bus arrival and departure times, as necessary;
- (e) the location and operational management procedures of the drop-off and pick-up zone located on MC06, including staff management / traffic controller arrangements;
- (f) measures to manage parking behaviours for users of the student drop-off and pick-up zone;
- (g) the location and operational management procedures for drop-off and pick-up of students by buses and coaches for excursions and sporting activities;
- (h) schedule of delivery and service vehicle access to the Site and management measures;
- (i) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (j) traffic management measures on the surrounding roads to address any road safety.

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D32. The **OTAMP** must be submitted to the Planning Secretary, prior to the commencement of operation of the development.

## Data for Transport for New South Wales

D33. Twelve months prior to commencement of school operations for Stages 1 and 2, The Applicant must notify TfNSW and the local bus operator of the intention to commence operations.

D34. Prior to occupation of the development for both Stages 1 and 2, the Applicant must provide TfNSW and the local bus operator a copy of the final school catchment and data on existing and expected patronage of bus services by route.

**Note:** *the data can be obtained by travel surveys of staff and existing / newly enrolled students.*

## Emergency Evacuation Plan

D35. A site emergency evacuation plan is to be developed which includes procedures for evacuation of individuals with disabilities and high-level mobility needs without reliance on lifts or electrical services. Where the plan required accessible equipment to exit via the stairs, such equipment is to be installed on the premises prior to commencement of use.

## Warm Water Systems and Cooling Systems

D36. 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.

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## PART E POST OCCUPATION

### Operation of Plant and Equipment

- E1. All plant and equipment used on site, or to monitor the performance of the development must be:
- maintained in a proper and efficient condition; and
  - operated in a proper and efficient manner.

### Community Communication Strategy

- E2. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### Road Safety Evaluation

- E3. A **Road Safety Evaluation (RSE)**, refer to NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit) must be conducted on all relevant sections of road utilised for bus and private vehicle drop-off and pick-up, within the first three months of commencement of operation of the Site. Appropriate road safety measures and/or traffic management measures shall be implemented based on the outcomes of the **RSE** in consultation with Council.

### Operational Noise Limits and Management

- E4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in *Acoustic Assessment Report 6130-1.1R Rev E* prepared by Day Design Pty Ltd dated 2 August 2018. All recommendations of the report with regard to the use of the school hall must be adhered to at all times.
- E5. The Applicant must carry out a short-term noise monitoring program for the use of the school hall and playing fields during school-term and after hours use of the hall. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within six months of commencement of operations in both Stage 1 and Stage 2 to verify that operational noise levels do not exceed the recommended noise levels identified in the *Acoustic Assessment Report 6130-1.1R Rev E* prepared by Day Design Pty Ltd dated 2 August 2018.
- E6. Should the noise monitoring, required under Condition E5, identify any exceedance of the recommended noise limits specified in *Acoustic Assessment Report 6130-1.1R Rev E* prepared by Day Design Pty Ltd dated 2 August 2018, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.
- E7. The implementation of noise attenuation measures, on-site and at the affected receiver(s), if required, must be provided within three months of the completion of the short-term noise monitoring required under Condition E5 or other appropriate period as agreed by the Planning Secretary.
- E8. Grounds maintenance involving the use of power equipment must be restricted to the following times:
- 7:30am and 6pm Mondays to Fridays; and
  - 8am and 1pm on Saturday.

### Out of Hours Event Management Plan

- E9. The Applicant is to prepare an Out of Hours Event Management Plan (EMP), for out of hours events that involve 100 or more people for the Site, within 3 months of commencement of operation of the development. The plan must be prepared, in consultation with Council, and include the following:
- the expected number of evening events during each year;
  - the maximum duration of each event;
  - expected arrival and departure times of attendees and modes of transport;

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- (d) where relevant, a schedule of all annual events and availability of the on-site car-park for this purpose;
- (e) restricting the use of the multi-purpose hall within the Site and all associated activities to 10pm (latest);
- (f) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
- (g) measures to minimise localised traffic and parking impacts; and
- (h) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan (if needed).

E10. The EMP must be made available on the school's website and be implemented by the Applicant for the duration of the identified event or use.

## Unobstructed Driveways and Parking Areas

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

## Green Travel Plan

E12. The Green Travel Plan required by Condition D14 of this consent must be updated annually and implemented.

## Lighting

E13. 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.

## Fire Safety Certificate

E14. 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

E15. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D28 for the duration of occupation of the development.

## Operational Traffic and Access Management Plan

E16. The **OTAMP** required by Condition D31 of this consent must be updated annually and implemented.

## Operation Management Measures

E17. The Applicant must ensure that the following operational measures are complied with:

- (a) all internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are maintained at all times.
- (b) all service and delivery vehicles accessing the Site vehicles must not exceed 11.5m in length;
- (c) waste collection services must only be undertaken between the hours of 7:30am to 8am and 4pm to 6pm Mondays to Fridays;
- (d) all vehicles enter and leave the site in a forward direction;
- (e) all loading and unloading of materials is carried out on-site; and

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- (f) the proposed service vehicle turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

FOR INFORMATION ONLY

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## 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](mailto: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 C37 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.

