

# Development Consent

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

As delegate of the Minister for Planning under delegation executed on 9 March 2020, 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**  
**Infrastructure Assessments**

Sydney

29/04/2020

***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.***

## SCHEDULE 1

<b>Application Number:</b>	SSD-8865
<b>Applicant:</b>	Sydney Catholic Schools
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	125-165 Tenth Avenue and 140 - 170 Eleventh Avenue, Austral (Lot 810 - 812 DP2475, Lot 840 - 842 DP2475, Lot 1 - 2 DP1232692)
<b>Development:</b>	<p>Concept development application for St Anthony of Padua School redevelopment including:</p> <ul style="list-style-type: none"><li>• a Concept Proposal for alterations and addition to the existing school to accommodate up to 2480 students and 200 staff members, in three stages comprising:<ul style="list-style-type: none"><li>○ retention of the existing buildings;</li><li>○ maximum building envelopes for the school buildings, a childcare centre, a church and a trade training centre,</li><li>○ site layout, access arrangements, car parking areas and landscaping.</li><li>○ outline staging of the development.</li></ul></li><li>• Stage 1 of the development for the detailed design, construction and use of the buildings, comprising:<ul style="list-style-type: none"><li>○ demolition works, tree removal and site remediation work;</li><li>○ a new two - four storey school building (central hub);</li><li>○ a bell tower at the entrance piazza;</li><li>○ a new two-storey building at the north-western corner to accommodate gymnasium / hall, indoor sports courts and indoor swimming pool / recreation centre;</li><li>○ retention and use of existing single storey building for Kindergarten classrooms;</li><li>○ accommodation of up to 2280 students (K – 12);</li><li>○ a canteen and café within the site;</li><li>○ expansion of an existing building at the north-eastern corner to provide for a single storey 125-place childcare centre;</li><li>○ accommodation of up to and 200 staff members;</li><li>○ car parking areas for up to 326 car spaces, outdoor play areas, hard and soft landscaped areas;</li><li>○ associated external road works and intersection upgrades; and</li><li>○ staged construction and use of the buildings.</li></ul></li></ul>

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### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-8865-Mod-1	21 January 2022	Director, Social and Infrastructure Assessments	Proposed amendments to project staging, site layout, the composition of outdoor and indoor recreational facilities, building bulk and scale including a reduction in total gross floor area, and minor changes to drop-off / pick-up area.
SSD-8865-Mod-2	06 December 2022	Team Leader, Social and Infrastructure Assessments	Proposed amendments to project phasing in stage 1, increasing the level of the soccer field and associated works.
SSD-8865-Mod-3	7 June 2023	Team Leader, Social and Infrastructure Assessments	Proposed amendments to the approved Stage 1 works by amending a maintenance shed, roof profile and balustrade materials of main school building, driveway access from Eleventh Avenue, drop-off/pick-up spaces, relocating electric vehicle (EV) charging station and deletion of condition A17 of Schedule 3 relating to bushfire measures
SSD-8865-Mod-5	29 January 2024	Director, Social and Infrastructure Assessments	Modifications to Stage 1 development involving amendments to the timing of construction of permanent infrastructure including roundabouts, inclusion of the delivery of interim infrastructure and alterations to the timing for student and staff numbers
SSD-8865-Mod-4	29 May 2024	Team Leader, Social and Infrastructure Assessments	Modification to concept and stage 1 Early Learning Centre, including design, landscaping, fencing and student number reduction, and correction to concept plan inconsistencies

## 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>AHIMS</b>	Aboriginal Heritage Information Management System
<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>	Sydney Catholic Schools or any other 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>AMP</b>	Asbestos Management Plan
<b>APZ</b>	Asset Protection Zone
<b>BCA</b>	Building Code of Australia
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a Council or accredited certifier
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 and 3 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 or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• salvage works (if any) in accordance with strategies / management plans approved by this consent;</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p>
<b>Council</b>	Liverpool City 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, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, Supplementary Response to Submissions, including the works and activities

	comprising demolition, construction and landscaping, as modified by the conditions of this consent.
<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>EESG</b>	Environment, Energy and Science Group of Department of Planning, Industry and Environment
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement (SSD 8865)</i> , prepared by Urbis Pty Ltd dated 2 November 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>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>GTP</b>	Green Travel Plan
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage Item</b>	A place, building, work, relic, archaeological site, tree, moveable object or precinct of heritage significance, that is listed under one or more of the following registers: the Heritage Act 1977 (NSW), a state agency heritage and conservation register under section 170 of the Heritage Act 1977 (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), and an "Aboriginal object" or "Aboriginal place" as defined in section 5 of the National Parks and Wildlife Act 1974 (NSW).
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<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>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>OMP</b>	Operational Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>OTAMP</b>	Operational Traffic and Access Management Plan
<b>OOSH</b>	Out-of-School Hours
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>POEO Act</b>	Protection of the Environment Operations Act 1997
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>PMF</b>	Probable Maximum Flood
<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 (RAP)</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<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 in the document titled <i>Response to Submissions and Preferred Project Report</i> prepared by Urbis dated November 2019.
<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.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Supplementary Response to Submissions (SRtS)</b>	The Applicant's supplementary response to submissions in the document titled Request for Additional Information prepared by Urbis dated 20 March 2020 and 25 March 2020.
<b>TfNSW</b>	Transport for New South Wales
<b>TfNSW (RMS)</b>	Transport for NSW (Roads and Maritime Services (TfNSW (RMS)) (former Roads and Maritime Services)
<b>Upgrading</b>	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 the following maintenance works: <ul style="list-style-type: none"> <li>• public domain works</li> <li>• stormwater infrastructure works</li> </ul>
<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

### CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

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

#### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, Response to Submissions and supplementary Response to Submissions **and (as amended by subsequent Modification approvals)** SSD-8865-Mod-1, **SSD-8865-Mod-2**, **SSD-8865-Mod-3**, **SSD-8865-Mod-5**, and **SSD-8865-Mod-4**.
  - (d) in accordance with the approved plans in the table below:

Concept Proposal Architectural Plans prepared by Munns Sly Moore Architects			
Dwg No.	Rev	Name of Plan	Date
MP013	4	Road widening works	3/10/2019
Concept Proposal Architectural Plans prepared by DWP Architects			
Dwg No.	Rev	Name of Plan	Date
AA0004	AA	Concept Proposal Site Plan	10/07/2023
AA0101	K	Concept Proposal Diagram – Site Plan	26/04/2024
AA0102	J	Concept Proposal Diagram – Elevations	26/04/2024
AA0103	J	Concept Proposal Diagram – Sections	26/04/2024
Concept Proposal Landscape Plans prepared by Umbaco Architects			
Dwg No.	Rev	Name of Plan	Date
L-MP03	8	Landscape Masterplan	July 2023
L-MP04	7	Piazza and Public Spaces	August 2022
L-MP05	7	Play and Outdoor Learning	August 2022
L-MP06	7	Fitness and Sports Fields	August 2022
L-MP07	8	Site Tree Planting Plan Arrangement	July 2023
L-MP08	7	Proposed Plant Species	August 2022
L-MP09	8	Proposed Planting Scheme	July 2023

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Schedule 2 condition A2(d). In the event of an inconsistency, ambiguity or conflict between any of the



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documents listed in Schedule 2 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 work is physically commenced.
- A6. The future church and the café / canteen are to be generally used in conjunction with the educational use of the site and the community uses proposed within the school site.

### Prescribed Conditions

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

### Planning Secretary as Moderator

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

### Evidence of Consultation

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

### Student Numbers

- A10. Student numbers in Stage 1 must not exceed the numbers identified for each of the phases as outlined in the following table, **as updated by Urbis External Works and School Infrastructure Document dated 24 January 2024 and by SSD-8865-Mod-4:**

Stage 1 Phases	Total Student population (Not exceeding)
Phase 1	975
Phase 2A	1450
Phase 2B	1870
Phase 3	2402 (including the Early Learning Centre)
Phase 4	2402 (including the Early Learning Centre)



## PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATION(S)

### Use of the Church and the trade centre

- B1. The future development application(s) for the church and / or the trade centre must include the details of:
- (a) the total number of patrons to be accommodated in the church;
  - (b) the proposed facilities within the church;
  - (c) details of use of the church (including operating hours) and clarification of use of the church independent of the site as a school; and
  - (d) proposed operational parameters of the trade centre including the total number of students that would be using the trade centre.

### Built Form, Urban Design and Landscaping

- B2. The future built form of the church and the trade centre including the maximum height, the building envelopes and setbacks to the boundaries, must be consistent with the approved plans listed in Schedule 2 condition A2 of Schedule 2.
- B3. In addition to compliance with condition B2, the design of the future trade centre must be designed to present as a two-storey building with the ceiling of the top-most storey having a height of no more than 10 metres (m) above the ground level at that point.
- B4. The extent of fill at the location of the outdoor practical area associated with the future trade centre must be reduced below the proposed 3m to improve the visual connection between the immediate public domain and this part of the site.
- B5. All future development applications are to demonstrate high quality design that complements the design of buildings approved in Stage 1.
- B6. All future development applications for the church and the trade centre must include a view analysis, supported by artist's perspectives and photomontages.
- B7. All future development applications for the church and the trade centre must include a Crime Prevention Through Environmental Design (CPTED) assessment, which details measures to maximise student, pedestrian and public safety through the implementation of the CPTED principles.

### Landscaping

- B8. All future development applications for the church and the trade centre must include detailed landscape plans identifying the vegetation to be removed or relocated, and the location of replacement and additional landscaping, and must be generally in accordance with the approved landscape plans in Schedule 2 condition A2.
- B9. Where required, detailed landscape plans must include relevant details of the species to be used in the various landscaped areas (preferably species indigenous to the area) and the landscape treatments, including any pavement and seating areas.
- B10. All future landscaping in association with the church and trade centre must comply with Appendix 4 of Planning for Bushfire Protection 2019.

### Noise and Vibration

- B11. All future development applications for the church and the trade centre must be accompanied by a noise and vibration assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities at all stages of construction, and any noise sources during operation. Details are to be provided outlining any mitigations measures to ensure the amenity of adjoining sensitive land uses is protected throughout the construction and operational periods.

### Contamination

- B12. All future development applications for the church and the trade centre must be accompanied by a detailed site investigation report, including an assessment of potential site contamination.

### Ecologically Sustainable Development

- B13. All future development applications for the church and the trade centre must demonstrate how the principles of Ecologically Sustainable Development (ESD) have been incorporated into the design, construction and on-going operation of the new buildings.

### Utilities

- B14. All future development applications for the church and the trade centre must address the existing capacity and any augmentation requirements of the development for the provision of utilities including staging of infrastructure through the preparation of an Infrastructure Management Plan in consultation with relevant agencies and service providers.

### Stormwater and Flooding

- B15. All future development applications for the church and the trade centre must be accompanied by a Stormwater Management Plan detailing an assessment of any flood risk on site and consideration of any relevant provisions of the NSW Floodplain Development Manual 2005, stormwater and drainage infrastructure, and details demonstrating that water sensitive urban design measures have been incorporated into the development.

### Disability Access

- B16. Where relevant, all future development applications for the church and the trade centre must include a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the *Disability (Access to Premises - buildings) Standards 2010 (the Premises Standards)*.

### Waste

- B17. Where relevant, future development applications for the church and the trade centre must include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.

### Traffic, Access and Car Parking

- B18. All future development applications for the church and the trade centre must be accompanied by a detailed assessment of the traffic and transport impacts associated with the proposed use.

### Geotechnical Assessment Report

- B19. All future development applications for the church and the trade centre must be accompanied by a detailed Geotechnical Assessment Report with details of proposed mitigation measures during excavation works and measures to control impacts on adjoining properties due to vibration during construction.

### Bushfire

- B20. All future development applications for the church and the trade centre must be accompanied by Bushfire Hazard Assessment Reports complying with the applicable standards.

### Use of the church

- B21. All future development application(s) for the church must be accompanied by an Operational Management Plan for the church (including details of operating hours, car parking and noise management, operational details) and be integrated with the operational management plan of the school.

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## SCHEDULE 3

### CONDITIONS OF CONSENT FOR STAGE 1 WORKS PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

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

#### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, Response to Submissions and Supplementary Response to Submissions **and (as amended by approved Modifications) SSD-8865-Mod-1, SSD-8865-Mod-2, SSD-8865-Mod-3, SSD-8865-Mod-5, and SSD-8865-Mod-4;**
  - (d) in accordance with the approved plans in the table below:

Detailed Proposal Architectural Plans prepared by <i>Munns Sly Moore Architects</i>			
Dwg No.	Rev	Name of Plan	Date
DA101	9	Site Demolition Plan	3/10/2019
DA118	7	Child Care centre – Floor Plan	3/10/2019
Detailed Proposal Architectural Plans prepared by <i>DWP Architects</i>			
AA0005	W	Site Plan	10/07/2023
AA0006	R	Car and Bicycle Parking Plan	10/07/2023
AA0051	Q	Phase 3D View	31/10/2022
AA0060	N	Fencing Plan	10/07/2023
AA1120	N	Hub – Area Plan – Lower Ground	24/05/2022
AA1121	Q	Hub – Area Plan – Ground Floor	24/05/2022
AA1122	Q	Hub – Area Plan – Level 1	24/05/2022
AA1123	Q	Hub – Area Plan – Level 2	24/05/2022
AA1124	W	Hub – Area Plan – Roof	08/02/2023
AA1250	F	General Arrangement Plan – Hall – Ground Floor	1/09/2021
AA1251	F	General Arrangement Plan – Hall – Roof	1/09/2021
AA2000	N	Building Elevations	25/01/2023
AA2001	L	Building Elevations	08/02/2023
AA2070	E	Building Elevations – Hall	1/09/2021
AA2100	Q	Site Elevations	21/04/2023
AA2101	D	Retaining Wall-Materiality	08/02/2023
AA3000	N	Building Sections	25/01/2023
AA3070	E	Building Sections - Hall	1/09/2021
AA3100	N	Site Sections	21/04/2023
AA6800	N	Façade Concept	25/01/2023
AA6801	H	Piazza Signage and Precedent Images	24/08/2022
AA6802	A	Façade Comparison	27/06/2022
AA9000	S	3D – Site View	10/07/2023

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Detailed Proposal Architectural Plans prepared by <i>Neeson Murcutt Neille</i>			
Dwg No.	Rev	Name of Plan	Date
1.02	02	Site Plan + Analysis	05/07/2023
1.03	01	Project Diagrams	06/06/2023
1.04	01	Project Diagrams	06/06/2023
2.01	02	Existing Floor Plan	05/07/2023
2.02	02	Existing Roof Plan	05/07/2023
2.03	01	Demolition Floor Plan	06/06/2023
2.04	01	Demolition Floor Plan	06/06/2023
2.05	01	Proposed Floor Plan	06/06/2023
2.06	01	Proposed Roof Plan	06/06/2023
3.01	02	Proposed Elevations	17/04/2024
3.02	02	Proposed Elevations	17/04/2024
4.01	01	Proposed Sections	06/06/2023
4.02	01	Proposed Sections	06/06/2023
Stage 1 Landscape Plans prepared by <i>Umbaco Architects</i>			
Dwg No.	Rev	Name of Plan	Date
L-MP10	7	Phasing Diagram	November 2022
Stage 1 Landscape Plans prepared by <i>Space Landscape Architecture</i>			
Dwg No.	Rev	Name of Plan	Date
L-01	C	Landscape Site Plan	07/02/2023
L-02	C	Planting Plan	07/02/2023
Stage 1 Landscape Plans prepared by the Garden Markets			
SCA01:CP0 1	B	Concept Plan	19/05/2023
SCA01:PP0 1	A	Proposed Plant Species	19/05/2023

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Schedule 3 condition A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 3 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 work is physically commenced.

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- A6. The Stage 1 of the consent does not permit any works other than remediation and temporary landscaping or school uses within the areas designated for “future” stages shaded in blue on the All Phases plan - AA0058 Issue Y dated 2.11.2022.
- A6A. ~~This consent allows the staged increase in student numbers in accordance with condition B8(g) subject to the following being complied with:~~
- ~~(a) Prior to operation of Stage 1 Phase 1, all interim traffic control measures including widening of Tenth Avenue, Eleventh Avenue and Fourth Avenue, the pedestrian paths, vehicular access crossings, and the stop signs are constructed and operational; and~~
  - ~~(b) Prior to operation of Stage 1 Phase 2, the identified roundabouts at Tenth Avenue / Fourth Avenue and Eleventh Avenue / Fourth Avenue intersections are completed and are operational.~~

This consent allows staged operation of the school as follows, subject to compliance with requirements in this consent:

Total Student population (Not exceeding)	Total Staff numbers (Not exceeding)
975	40
1450	120
1870	150
2402 (including the Early Learning Centre)	200 (including the Early Learning Centre)

### Prescribed Conditions

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

### Planning Secretary as Moderator

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

### Evidence of Consultation

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

### Staging

- A10. This Stage 1 project may be constructed and operated in accordance with the works schedule specified in the following plans and the Approach to Construction Phasing document dated 14 December 2021 prepared by Urbis:

Dwg No.	Rev	Name of Plan	Date
AA0052	X	Phase Plan – Phase 1	15/08/2023
AA0053	Y	Phase Plan – Phase 2	15/08/2023

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AA0054	V	Phase Plan – Phase 3	2/11/2022
AA0055	U	Phase Plan – Phase 4	06/09/2023
AA0058	Y	All Phases	2/11/2022

### Staging, Combining and Updating Strategies, Plans or Programs

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

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A12. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A13. If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### Structural Adequacy

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 Building Code of Australia (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.

### Site Contamination

A16. Remediation approved as part of this development consent must be carried out in accordance with the Remedial Action Plan dated 18 July 2018 and prepared by Alliance Geotechnical.

### Design and Construction for Bush Fire

A17. Deleted by SSD-8865-Mod-3

### Applicability of Guidelines

A18. 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.



- A19. 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

- A20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

**Note:**

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

### Access to Information

- A21. At least 48 hours before the commencement of construction **until two years after the operation of the school with a student population of 2402 students** 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 Schedule 3 condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant’s response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### Compliance

- A22. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### Incident Notification, Reporting and Response

- A23. The Planning Secretary 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.
- A24. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.



### Non-Compliance Notification

- A25. The Planning Secretary 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 Planning Secretary in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A26. 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.
- A27. 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

- A28. Within three months of:

~~(a)~~ Deleted by SSD-8865-Mod-5

- (a) the submission of an incident report under condition A23;
- (b) the submission of an Independent Audit under condition D4;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary and / or Certifier (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

## PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### Modification to Plans

- B1. Prior to the issue of a construction certificate, for construction phase 4 as identified in the Phase 4 Plan - AA0055 Issue U dated 06/09/2023 and All Phases plan - AA0058 Issue Y dated 2/11/2022 the Applicant must submit amended plans to the satisfaction of the Certifier to:
- (a) demonstrate that the roofline of the main hall building achieves a setback of at least 5m from the main new boundary with Fourth Avenue (i.e. with the exception of any splayed part of the boundary line and following revisions to the boundary line required for road widening); and
  - (b) provide additional openings / windows at the ground level of the Eleventh Avenue façade (northern façade) of the main hall building to provide additional activation of the façade.
- B1A. Deleted by SSD 8865-MOD 2.
- B2. Prior to the issue of a construction certificate for a relevant construction phase, the Applicant must submit to the satisfaction of the Certifier, amended plans which demonstrate all roofing is light grey (Colourbond 'Shale Grey' or lighter colour).

### Modification to Landscape Plans

- B3. Prior to the issue of a construction certificate for a relevant construction phase, the Applicant must submit amended landscape plans to the satisfaction of the Certifier to demonstrate that:
- (a) at least 50% of the replacement planting species comprise indigenous species of which about 40% comprise Cumberland Plain Woodland Species (in lieu of the proposed 35%) whilst ensuring that overall level of plantings, tree heights and shade cover outcomes are retained compared with the approved landscape plans listed in Schedule 3 condition A2;
  - (b) the landscaping works on the site complies with the principles of Appendix 4 of Planning for Bushfire Protection 2019 and endorsed by a certified Bushfire Planning and Design (BPAD) Practitioner;
  - (c) landscaping components include (such as paving, soft landscaping and design elements) incorporates elements of Aboriginal Cultural Heritage and are incorporated in consultation with the relevant local Aboriginal communities or relevant Registered Aboriginal Parties;
  - (d) tree planting on site must be undertaken at a density no lesser than that as detailed on the approved Site Tree Planting Arrangement Plan (L-MP07 Issue 8 dated July 2023) as prepared by Umbaco Landscape Architects; and
  - (e) within the remnant patch of Cumberland Plain Woodland (CPW), only locally native CPW species must be utilised.

### Certified Drawings

- B4. Prior to the issue of a construction certificate for a relevant construction phase, the Applicant must submit to the satisfaction of the Certifier, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### External Walls and Cladding

- B5. Prior to the issue of a construction certificate for a relevant construction phase, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier and the Planning Secretary within seven days after the Certifier accepts it.

### Stormwater Management System

- B6. Prior to the issue of a construction certificate for a relevant construction phase (not including demolition works), the Applicant must prepare detailed plans for an operational stormwater management system for that stage of the development and submit to the Certifier for approval. The plans must:

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- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally consistent with the following plans, except where required to be modified to be in accordance with the approved architectural plans listed in Condition A2.

Stage 1 Civil Works Plan prepared by <i>Warren Smith and Partners Pty Ltd</i>			
Dwg No.	Rev	Name of Plan	Date
C2.01	6	Sediment and Erosion Control Plan	30/11/2022
C6.02	9	Stormwater layout plan Sheet 1	31/10/2022
C6.03	9	Stormwater layout plan Sheet 2	31/10/2022
C6.04	6	Pit schedule Sheet 1	31/10/2022
C6.05	6	Pit schedule Sheet 2	31/10/2022
C6.05A	1	Pit schedule Sheet 3	31/10/2022
C6.10	3	Stormwater drainage details	31/10/2022
C6.11	3	Stormwater treatment details	31/10/2022

- (c) be consistent with the figures supporting the *Flood Assessment Report* prepared by GRC Hydro dated 22 June 2021 (final report);
- (d) include temporary on-site detention (OSD) where needed in the interim construction phases, prior to the delivery of the permanent OSD tanks to limit the post-development flow to pre-development condition for up to the 1% Annual exceedance probability (AEP) storm event;
- (e) be in accordance with applicable Australian Standards and any Council requirements in relation to on-site detention tanks capacity and stormwater details;
- (f) 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;
- (g) incorporate the stormwater quality treatment measures (such as stormwater filtration cartridges) as listed in condition B6(b);
- (h) include temporary stormwater treatment devices in conjunction with the temporary OSD tanks (as required by B6(d) to ensure that stormwater runoff leaving the site at all times complies with Council's targets for post-development stormwater pollutant loads;
- (i) include evidence such as Music Modelling and Music Link Certificate to demonstrate that the stormwater water quality control devices comply with Council's targets for post-development stormwater pollutant loads (including the temporary treatment devices); and
- (j) include details of a rainwater reuse / harvesting system for the development including a rainwater re-use plan, prepared and certified by an experienced hydraulic engineer.

### Flood mitigation measures

- B7. The Construction Certificate plans for each construction phase must demonstrate that appropriate mitigation measures are in place in the operational stormwater management system to ensure that the flooding of Lots 811 and 812 of DP 2475 (140 Eleventh Avenue and the intersection of Fourth and Tenth Avenues) in the 1% AEP is eliminated.

### Operational Car Parking, Service Vehicle, Bicycle Parking layout and End-of-trip facilities

- B8. The construction certificate plans for the relevant construction phase must demonstrate compliance with the following requirements and be submitted to the satisfaction of the Certifier:
- (a) all vehicles are able to enter and leave the Site in a forward direction;
  - (b) the swept path of the longest vehicle entering and exiting the car parking areas is in accordance with latest version of AS 2890.2;

- (c) the layout, and design of all on-site car parking and drop-off and pick-up spaces must comply with latest versions of AS2890.1 and AS 2890.6 (for disabled parking spaces);
- (d) 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;
- (e) end-of-trip facilities for staff are provided within the Site;
- (f) appropriate pedestrian and cyclist advisory signs are provided in accordance with the 'Signage and Line marking Plans -C7.02-C7.05 (Rev 1)' dated 28/02/2020; and
- (g) the total number of on-site car parking spaces, drop-off and pick-up spaces and bicycle parking spaces for use during operation of the development, provided in accordance with the Table below:

**Table 1:** Provision of on-site car parking and drop-off and pick-up spaces

	Total Student population (Not exceeding)	Total Staff numbers (Not exceeding)	Minimum Number of on-site car spaces	Minimum on-site drop-off / pick-up spaces	Minimum on-site bicycle spaces
Phase 1	975	40	171	89	30
<b>Phase 2A</b>	<b>1450</b>	<b>120</b>	171	<b>100</b>	90
<b>Phase 2B</b>	<b>1870</b>	<b>150</b>	<b>171</b>	<b>125</b>	<b>90</b>
Phase 3	<b>2402</b> (including the Early Learning Centre)	200 (including the Early Learning Centre)	326	125	180
Phase 4	<b>2402</b> (including the Early Learning Centre)	200 (including the Early Learning Centre)	326	125	180

## Childcare centre Planning Guideline

- B9. Prior to the issue of any construction certificate for the childcare / early learning centre building in construction phase 3, detailed plans and documentation must be prepared, demonstrating full compliance with all applicable controls and requirements of the 'Child Care Planning Guidelines' dated **September 2021** and prepared by NSW Planning, **Industry** and Environment as they apply to the proposed Childcare Centre. The detailed plans must include the following details:

- (a) delineation of functional areas.
- (b) provision of a minimum **396.50m<sup>2</sup>** of unencumbered indoor play area;
- (c) provision of a minimum of **854m<sup>2</sup>** of unencumbered outdoor play area; and
- (d) provision of administrative areas, cot rooms and nappy change areas.

The plans and documentation must be certified by a suitably qualified expert and submitter to the satisfaction of the Certifier. A copy of the plans and documentation must be submitted to the Planning Secretary for information.

## Roadworks and pedestrian infrastructure

- B10. Prior to the issue of the construction certificate for each construction phase following construction phase 1, the Applicant must prepare a warrants assessment for the provision of pedestrian crossings, including raised wombat crossings, adjacent to or near the main pedestrian entry points to the school that would be operational in that stage, as well as any

internal or external crossing points.

- B11. The Applicant must submit design plans for any resulting new or upgraded pedestrian crossings at each construction phase to the satisfaction of Council and TfNSW (RMS)) and a copy of the approved documents to the Certifier for information. If warrants for a pedestrian crossing are not met, details of interim crossing facilities are to be provided to the satisfaction of Council.
- B12. Prior to the issue **of the relevant construction certificates for roadworks in Stage 1**, the Applicant must submit the following design plans to the satisfaction of Council or TfNSW and provide a copy of the approved documents to the Certifier for information:
- (a) details of road widening works to Tenth Avenue, Eleventh Avenue and Fourth Avenue, including bus bays generally in accordance with the conceptual civil works plans prepared by Warren Smith and Partners Pty Ltd and submitted with this application (as amended by conditions of this consent);
  - (b) details of full width road widening for Tenth Avenue and Fourth Avenue along the length of the site boundaries. The design plans must include details of full width of the reserve, the four-lane carriageway and footpaths / shared paths on both sides;
  - (c) provision of line marking / stop - go signage at Fourth / Tenth and Fourth / Eleventh Avenue intersections;
  - (d) details of line marking and signage generally in accordance with the conceptual civil works plans prepared by Warren Smith and Partners Pty Ltd (submitted with this application) and in accordance with Austroads Road Design Guide;
  - (e) design and engineering plans (for the road widening), details of swept path, line marking and signage for roadworks prepared in accordance with Council's Design Guidelines and Construction Specification for Civil Works and Austroads Road Design Guide;
  - (f) details of marked pedestrian crossings (including raised wombat crossings where warranted) adjacent to or near the main pedestrian and cyclist entry points to the school.

Civil works plans and details are to include appropriate provision to facilitate pedestrian movements at or near the roundabout intersections and across school access driveways as necessary.

- B13. A separate construction certificate application under section 138 of the Roads Act 1993, is required to be submitted with relevant roads authority (Council or TfNSW (RMS) where applicable) to obtain approval for the road works outside the boundary of the site.
- B14. Prior to the issue of the **relevant construction certificates for roadworks in Stage 1**, the Applicant must submit the following design plans to the satisfaction of Council and/or TfNSW and provide a copy of the approved documents to the Certifier for information:
- (a) replacement of existing line marking / stop - go signage at Fourth **Avenue** / Tenth **Avenue** and Fourth **Avenue** / Eleventh Avenue intersections with new **interim intersection treatment works to the satisfaction of the Council**.
  - (b) **upgrade of Fourth Avenue / Tenth Avenue and Fourth Avenue / Eleventh Avenue intersections into permanent dual lane roundabouts** generally in accordance with the conceptual civil works plans prepared by Warren Smith and Partners Pty Ltd, submitted with this application.

## PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of commencement of physical work and operation at least 48 hours before the commencement of each construction phase, of the date of commencement and the development to be carried out in that stage.

### Pre-Construction Dilapidation Report

- C2. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of all adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

### Protection of Public Infrastructure

- C3. Prior to 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.

### Site contamination

- C4. Prior to the commencement of works for a relevant construction phase, the Applicant must engage a Site Auditor in accordance with the requirements of the *Contaminated Land Management Act 1997* for the purposes of remediation work.
- C5. An interim Site Auditor's advice must be provided at the completion of the remediation works for each stage of construction certifying that the soil contamination has been appropriately managed and that the remediation works have been satisfactorily completed.
- C6. Prior to the commencement of demolition works, an asbestos management plan (AMP) must be prepared and submitted to the Site Auditor for review and approval. The AMP must satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 - asbestos wastes. All asbestos removal works must be undertaken in accordance with the asbestos management plan.
- C7. All existing subsurface effluent disposal areas (if any within the site) must be removed and backfilled with Virgin Excavated Natural Material (VENM). Any septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems and other Sewage Management Facilities.

### Unexpected Contamination Procedure

- C8. Prior to the commencement of earthworks for a relevant construction phase, 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 in accordance with Schedule 3 condition C18 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

### Pre-Construction Dilapidation Report

- C9. Prior to the commencement of construction for a relevant construction phase, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

### Community Communication Strategy

- C10. No later than two weeks before the commencement of any construction works on the site, a Community Communication Strategy must be submitted to the Planning Secretary for



information prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction of all construction phases within Stage 1.

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.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water and contamination.

### Demolition

- C11. Prior to the commencement of demolition, a demolition work plan required by AS 2601-2001 *The demolition of structures (Standards Australia, 2001)* must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary for information.

### Ecologically Sustainable Development

- C12. Prior to the commencement of construction of a relevant construction phase, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) appoint a suitably qualified Green Star Accredited Professional to monitor the detailed design of the proposed works to ensure that all ESD measures set out in the initiatives within the *ESD Report* prepared by JHA Consulting Services and dated 1 November 2018 (Appendix M of the EIS), are incorporated; or
  - (b) submit evidence to the satisfaction of the Certifier from a suitably qualified Green Star Accredited Professional that the ESD measures in the initiatives within the *ESD Report* prepared by *ESD Report* prepared by JHA Consulting Services and dated 1 November 2018 (Appendix M of the EIS) have been incorporated into the design of the works proposed.

### Roadworks

- C13. Prior to the commencement of the relevant construction phase, the Applicant must submit design plans to the satisfaction of the Certifier which demonstrates that the proposed internal roads comply with Appendix 3 of *Planning for Bush Fire Protection 2019*.
- C14. Prior to commencement of construction of the roadworks in the relevant construction phase, the Applicant must:
- (a) obtain the required road occupancy, road opening permits and work zone approval from Council (requirements under section 138 of the *Roads Act 1993*);
  - (b) prepare a Traffic Control Plan and include details of proposed management measures for pedestrian and cyclist access in accordance with AS 1742.3 and the TfNSW (RMS) publication 'Traffic Control at Worksites';



- (c) obtain certification of the Traffic Control Plan from an accredited TfNSW (RMS) Traffic Controller; and
- (d) submit the above documents and approvals to the Certifier and Council for information.

### Outdoor Lighting

- C15. Prior to commencement of lighting installation for a relevant construction phase, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with *AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282-2019 Control of the obtrusive effects of outdoor lighting*.
- C16. Prior to the commencement of works in relation to any streetlights on the roads surrounding the site, a lighting design brief in accordance with Council's and Endeavour Energy's specifications for all new public street lightings should be prepared in consultation with Council. The design brief must be submitted to the satisfaction of the Certifier and a copy submitted to Council for information.

### Environmental Management Plan Requirements

- C17. 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 / update of the plan and any updates in response to incidents or matters of non-compliance.

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

### Construction Environmental Management Plan

- C18. Prior to the commencement of construction of each relevant construction phase, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) 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 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (viii) community consultation and complaints handling;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (Schedule 3 condition C20);
  - (c) Construction Noise and Vibration Management Sub-Plan (Schedule 3 condition C21);
  - (d) Construction Waste Management Sub-Plan (Schedule 3 condition C22);
  - (e) Aboriginal Cultural Heritage Management Sub-Plan (Schedule 3 condition C23);
  - (f) Construction Soil and Water Management Sub-Plan (Schedule 3 condition C24);
  - (g) an unexpected finds protocol for contamination and associated communications procedure;
  - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (i) 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.
- C19. The Applicant must not commence construction of a construction phase of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C20. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council;
  - (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; and
  - (d) detail heavy vehicle routes, access and parking arrangements.
- C21. 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) incorporate the measures as recommended in the Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA;
  - (d) (deleted);
  - (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (f) include strategies that have been developed with the community for managing high noise generating works;
  - (g) describe the community consultation undertaken to develop the strategies in Schedule 3 condition C21(c);

- (h) include a complaints management system that would be implemented for the duration of the construction; and
  - (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with Schedule 3 condition C21(c).
- C22. The Construction Waste Management Sub-Plan (CWMSP) 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 construction.
- C23. The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties (RAPs); and
  - (b) include recommendations of the Aboriginal Cultural heritage Assessment Report (ACHAR) prepared by Kayandel dated August 2018.
- C24. 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) describe all erosion and sediment controls to be implemented during construction in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) 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);
  - (d) detail all off-Site flows from the Site; and
  - (e) 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.
- C25. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

### Soil and Water

- C26. Prior to the commencement of construction of a relevant stage, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events in accordance with the CSWMSP (Schedule 3 condition C24); and
  - (b) divert existing clean surface water around operational areas of the site.
- C27. Prior to the commencement of construction of a relevant stage, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

### Construction Parking

- C28. Prior to the commencement of construction of a relevant stage, the Applicant must provide

sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that heavy construction vehicles or site personnel vehicles associated with the development does not park on public and residential streets or utilise nearby public parking facilities.

### **Operational Noise – Design of Mechanical Plant and Equipment**

- C29. Prior to installation of mechanical plant and equipment for a relevant stage, the Applicant must incorporate the noise mitigation recommendations in the Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA.

### **Aboriginal Heritage**

- C30. Prior to the commencement of construction of a relevant stage, the Applicant must consult with RAPs to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity.

### **Operational Waste Storage and Processing**

- C31. Prior to the commencement of construction of a relevant stage, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

### **Public Domain Works**

- C32. Prior to the commencement of any footpath or public domain works of a relevant stage, 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.

### **Infrastructure upgrades**

- C33. Prior to the commencement of construction of a relevant stage, the Applicant must obtain necessary approvals from Sydney water to upgrade the water and sewer mains to cater for the development.

C34. Deleted by SSD-8865-Mod-5

C35. Deleted by SSD-8865-Mod-5

C36. Deleted by SSD-8865-Mod-5

C37. Deleted by SSD-8865-Mod-5

C38. Deleted by SSD-8865-Mod-5

## **PART D DURING CONSTRUCTION**

### **Site Notice**

- D1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) 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;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) 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
  - (e) 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**

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Independent Environmental Audit**

- D3. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D4. Prior to 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 Planning Secretary and the Certifier.
- D5. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
- (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
  - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.
- D6. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least four weeks' notice to the applicant of the date upon which the audit must be commenced.
- D7. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition D4 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).
- D8. 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 D4 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.
- D9. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Department within 21 days of the date referenced in the Independent Audit Program, unless otherwise agreed by the Planning Secretary.

- D10. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

**Demolition**

- D11. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by Schedule 3 condition C11.

**Construction Hours**

- D12. 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.
- D13. Construction activities may be undertaken outside of the hours in Schedule 3 condition D12 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D14. Notification of such construction activities as referenced in Schedule 3 condition D13 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D15. 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**

- D16. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).
- D17. The Applicant must implement the measures specified in the approved Traffic Control Plan when undertaking works within the road reserves surrounding the site.

**Construction Traffic**

- D18. All construction vehicles (including site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.

**Hoarding Requirements**

- D19. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

**No Obstruction of Public Way**

- D20. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.



**Construction Noise Limits**

- D21. 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 CNVMSP (Schedule 3 condition C21).
- D22. 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 Schedule 3 condition D12.
- D23. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

**Vibration Criteria**

- D24. 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).
- D25. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Schedule 3 condition D24.
- D26. The limits in conditions D24 and D25 apply unless otherwise outlined in a CNVMSP (schedule 3 condition C21) approved as part of the CEMP required by Schedule 3 condition C18 of this consent.

**Tree Protection**

- D27. 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 immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
  - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment report prepared by Moore Trees dated 26 March 2021* and *Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, dated 26 March 2021*;
  - (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;
  - (e) any landscape works within the remnant patch of Cumberland Plain Woodland (CPW) must be undertaken under the supervision of a suitably qualified bush regenerator or ecologist;



- (f) a suitably qualified arborist (Diploma in Arboriculture) must establish tree protection fencing in accordance with Australian Standard 4970:2009 Protection of Trees on Development Sites prior to any works commencing on site; and
- (g) no encroachment greater than 10% of the tree protection zone is to occur without prior confirmation from the project arborist that this can occur without adverse impacts to trees.

**Air Quality**

- D28. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D29. 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.

**Erosion and Sediment Control**

- D30. 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. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

**Imported Soil**

- D31. 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 Certifier upon request.

**Building works**

- D32. Construction related works such as brick cutting, mixing mortar and the washing of tools, paint brushes, formwork, concrete trucks and the like must not be performed on the public footway or any other locations which may lead to water pollution.

**Disposal of Seepage and Stormwater**

- D33. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

**Emergency Management**

- D34. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

**Unexpected Finds Protocol – Aboriginal Heritage**

- D35. 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 EESG 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 EESG to develop and implement

management strategies for all objects / sites. Works shall only recommence with the written approval of EESG.

### **Unexpected Finds Protocol – Historic Heritage**

- D36. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW 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 the Heritage NSW.

### **Consultation with RAPs**

- D37. The Applicant must consult with the relevant RAPs throughout the construction phase for all stages and until all works associated with the development are completed. The ongoing consultation must occur at intervals not exceeding 6 months as recommended by the ACHAR.

### **Waste Storage and Processing**

- D38. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D39. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D40. 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.
- D41. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D42. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### **Outdoor Lighting**

- D43. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Roadworks**

- D44. All works within the road reserves are to be completed at no cost to Council or TfNSW (RMS).

**PART E PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION****Notification of Occupation**

- E1. At least one month prior to commencement of operation of each construction phase, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one **week** before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

**Development Contributions**

- E2. Prior to the issue of the occupation certificate or commencement of operation of each construction phase, a contribution under Section 7.11 of the EP&A Act in accordance with Liverpool Contributions Plan 2014 must be paid to Council (consultation with Council must be undertaken to calculate the appropriate levy). Monetary contributions may be offset by delivery of any works in kind identified in the Works Schedule in accordance with the provisions of the plan. Prior to payment Council can provide the value of the indexed levy.

**Site Audit Report**

- E3. Upon completion of remedial works for each construction phase and prior to commencement of operation of that stage, a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor, must be submitted to the Planning Secretary and Certifier for information. The Site Audit Report and Section A Site Audit Statement must verify that the relevant part of the site is suitable for the purpose of an educational establishment.

**External Walls and Cladding**

- E4. Prior to commencement of operation of each construction phase, 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.
- E5. 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.

**Post-construction Dilapidation Report**

- E6. Prior to commencement of operation of each construction phase, 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.

**Protection of Public Infrastructure**

- E7. 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 or otherwise addressed by contributions required by E2 of this consent.

**Protection of Property**

- E8. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

**Utilities and Services**

- E9. Prior to commencement of operation of each construction phase, 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, Access and pedestrian infrastructure**

**E10A.** Prior to operation of the school with a school population up to 975 students, the following roadworks-required by this development consent must be completed to the satisfaction of the Council. The roadworks must include:

- (a) construction of full width of the road reserve for Eleventh Avenue including 6 bus bays with the required footpaths, shared cyclist / pedestrian paths, signage and line marking; and
- (b) construction of all associated vehicular crossings / access points to the site.

The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*, prior to construction of the above roadworks.

**E10B.** Within six months of the date of determination of Mod 5 or prior to any increase in the student population above 1450 students (whichever occurs first), the following roadworks-required by this development consent must be completed to the satisfaction of the Council and be operational. The roadworks must include:

- (a) construction of pedestrian crossings (either Wombat crossing or any other interim crossing as permitted by the warrants across the section of Tenth Avenue fronting the college approved by Council) with associated signage and line marking.
- (b) construction of full width of road reserve for Fourth Avenue including 3 bus bays with required footpaths, signage and line marking.
- (c) construction off full width of road reserve for Tenth Avenue with required footpaths, signage and line marking.

The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*, prior to construction of the above roadworks.

**E10C.** Within 12 months of the date of determination of Mod 5 or prior to any increase in the student population above 1450 students, (whichever occurs sooner), the following roadworks required by this development consent must be completed to the satisfaction of the Council and be operational. The roadworks must include:

- (a) construction of two interim intersection treatments at the Fourth Avenue / Tenth Avenue and Fourth Avenue / Eleventh Avenue intersections with required footpaths, signage and line markings.

The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*, prior to construction of the above roadworks.

**E10D.** Notwithstanding the requirements of condition E10C, the interim intersection treatments at the Fourth Avenue / Tenth Avenue and Fourth Avenue / Eleventh Avenue intersections may be subject to construction works from time to time associated with the delivery of the permanent dual lane roundabouts at the intersections required by Schedule 3 Condition E10E.

**E10E.** Within 30 months of the date of determination of Mod 5, or prior to the issue of an occupation certificate for the main hall, or prior to commencement of the operation of the school with a student population of more than 1870 students (whichever occurs earlier), the following roadworks required by this development consent must be completed to the satisfaction of the Council and be operational. The roadworks must include:

- (a) two permanent dual lane roundabouts at the intersection of Fourth Avenue / Tenth Avenue and Fourth Avenue / Eleventh Avenues with required footpaths, signage and line markings.

The Applicant must obtain approval for the works under section 138 of the Roads Act 1993, prior to construction of the above roadworks.

**E10F.** Notwithstanding the requirements of condition E10E, the Planning Secretary may agree to an occupation certificate being issued in relation to the main hall, before the permanent dual lane roundabouts described in condition E10E are operational, provided written evidence is submitted to the Planning Secretary of Council being satisfied that the relevant works are underway and agreeing occupation of the hall occurring.

- E11. The Applicant must install an interim pedestrian crossing on Eleventh Avenue prior to the commencement of operation of construction phase 1. The Applicant must prepare design plans for the crossing prior and obtain the necessary approvals from Council to its installation.

### **Adjustment of site boundary and dedication of land**

- E12. Prior to the commencement of operation of the school with a student population greater than 1870 students, or within 12 months of completion of the two permanent dual lane roundabouts at the intersection of Fourth Avenue / Tenth Avenue and Fourth Avenue / Eleventh Avenues (whichever occurs earlier), the site boundary must be adjusted to exclude the widened sections of the roads (Eleventh, Tenth and Fourth Avenues). The widened sections of the roads must be dedicated to Council at no cost to the Council and subject to Council's approval. Evidence of the land dedication, the boundary adjustments and associated registered documents must be submitted to the satisfaction of the Council and a copy given to the Certifier.

### **Works as Executed Plans**

- E13. Prior to the commencement of operation of each construction phase, 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.

### **Acoustic fence**

- E14. The construction of the acoustic fence along the eastern boundary as per the approved plans in Schedule 3 condition A2 **must be constructed in accordance with the recommendations outlined in the Noise Impact Assessment prepared by JHA Services and dated 27 March 2023, and completed in the relevant construction phase.**

### **Green Travel Plan**

- E15. Prior to the commencement of operation of construction phase 1, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Certifier 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 Transport for NSW (TfNSW) and 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, being consistent with the draft GTP prepared by St Anthony of Padua Catholic School dated October 2019 and including the staff / student mode targets;
  - (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 users of the development.



- E16. Prior to the operation of the school with a student population greater than 1450 students but no greater than 1870 students, an updated Green Travel Plan (GTP) must be prepared to the satisfaction of the Planning 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 and Transport for NSW;
  - (b) be generally consistent with the draft the Green Travel Plan prepared by St Anthony of Padua Catholic School dated October 2019 with updated references to staff and student numbers where relevant;
  - (c) include objectives and mode 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;
  - (d) include specific mitigation and management tools and actions to help achieve the objectives and mode share targets;
  - (e) include details to demonstrate how and which bus services would be provided, increased and accommodated to satisfy the additional demand likely to be generated by additional students;
  - (f) 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;
  - (g) 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 users of the development; and
  - (h) shall be approved by the Planning Secretary prior to the operation of the school with a student population of 1870 students or greater.
- E16A. Prior to the commencement of operation of the school with a student population greater than 1870, the GTP required by Schedule 3 condition E16, must be updated to the Planning Secretary's satisfaction to include the relevant additional student / staff numbers and the corresponding sustainable transport measures. The updated GTP must be prepared in consultation with Council and must be submitted for the Planning Secretary's approval.

#### **Parking Provisions**

- E17. Prior to the commencement of operation of the school with a student population of 975, of 1450, of 1870 and of 2402 students or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Certifier that demonstrates that:
- (a) the minimum number of car parking spaces, bicycle parking spaces and drop-off and pick-up spaces for the corresponding student population operation are provided on site as approved in accordance with Schedule 3 condition B8;
  - (b) all car parking spaces comply with the current version of AS2890.1 and AS2890.6 (for disabled car spaces);
  - (c) the turning areas and driveway gradients comply with the latest versions of AS2890.1;
  - (d) the swept path of the longest vehicle accessing the site complies with the latest version of AS2890.2; and
  - (e) all bicycle parking spaces provided within the site and designed in accordance with the requirements of AS2890.3:2015 *Parking facilities, Bicycle Parking*.

#### **Operational Transport and Access Management Plan (OTAMP)**

- E18. Prior to the commencement of operation of the school with a school population no greater than 1450 students, the Applicant must prepare an OTAMP for the school in consultation with Council and to the satisfaction of the Certifier. The OTAMP must include (but not be limited to):
- (a) the measures to safely manage the daily transport task to / from the school;
  - (b) the recommendations in the draft Traffic and Parking Management Plan prepared by dated October 2019;

- (c) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- (d) the location and operational management procedures of the pick-up and drop-off parking located within the site, including staff management/traffic controller arrangements;
- (e) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for school drop-off / pick-up, excursions and sporting activities, including staff management/traffic controller arrangements;
- (f) staggering of drop-off / pick-up times, with afternoon pick-up times staggered over a one-hour period once student enrolments reach 1000;
- (g) delivery and services vehicle and bus access and management arrangements;
- (h) management of approved access arrangements;
- (i) car parking arrangements and management associated with the proposed use of school facilities by community members;
- (j) maintaining bus accessibility and student waiting areas;
- (k) safe parent and student behaviour during drop-off and pick-up;
- (l) safe pedestrian movements to the school entrances, minimising vehicle-pedestrian conflicts;
- (m) responsibilities of various personnel executing the plan; and
- (n) measures to monitor, review the performance and make improvements to the plan.

E18A. Prior to the operation of the school with a student population greater than 1450 students and again prior to the operation of the school with a student population of greater than 1870 students, the Applicant must update the OTAMP for the school in consultation with Council and to the satisfaction of the Planning Secretary in relation to the maximum student numbers as relevant. The updated OTAMP must include (but not be limited to):

- (a) the measures to safely manage the daily transport task to / from the school;
- (b) the recommendations in the draft Traffic and Parking Management Plan prepared by dated October 2019;
- (c) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- (d) the location and operational management procedures of the pick-up and drop-off parking located within the site, including staff management/traffic controller arrangements;
- (e) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for school drop-off / pick-up, excursions and sporting activities, including staff management/traffic controller arrangements;
- (f) staggering of drop-off / pick-up times, with afternoon pick-up times staggered over a one-hour period;
- (g) delivery and services vehicle and bus access and management arrangements;
- (h) management of approved access arrangements;
- (i) car parking arrangements and management associated with the proposed use of school facilities by community members;
- (j) maintaining bus accessibility and student waiting areas;
- (k) safe parent and student behaviour during drop-off and pick-up;
- (l) safe pedestrian movements to the school entrances, minimising vehicle-pedestrian conflicts;
- (m) responsibilities of various personnel executing the plan;
- (n) measures to monitor, review the performance and make improvements to the plan;
- (o) the identification of potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing



impacts associated with vehicles accessing drop-off/pick-up zones and bus parking; and

(p) details of the outcomes of the monitoring and review program.

### **Evacuation and Emergency Planning**

- E19. Prior to the commencement of operation of phase 1, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December 2014. The plan must be updated prior to the commencement of operation of each subsequent stage taking into consideration the additional buildings and intensification of usage of the site.
- E20. Prior to the commencement of operation of phase 1, an Emergency Management Plan must be prepared in consultation with Council and the State Emergency Service for the safe evacuation of students and staff members during a Probably Maximum Flood (PMF) event. The Plan may include a shelter in place strategy if appropriate having regard to the likely duration of impacts during a PMF event. The plan must be updated prior to the commencement of operation of each subsequent stage taking into consideration the additional buildings and intensification of usage of the site.

### **Operational Management Plan**

- E21. Prior to the commencement of operation of construction phase 1, the Applicant must prepare an Operational Management Plan (OMP) for the school. The plan must include (as relevant to the works undertaken in a particular construction phase):
- (a) measures to ensure all wayfinding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
  - (b) the operating hours of the school, the Out-of-hours care (OOSH) and the childcare centre (after being constructed and operational);
  - (c) details of the community use of the school facilities and the hours of such use (when such facilities are delivered);
  - (d) proposed mitigation measures to maintain the security and safety of the school when community use of school facilities occur;
  - (e) details of use of the café outside of school hours and the associated access control measures;
  - (f) measures to manage the use and access to recreation areas, including any staggered play times (for using the outdoor playing fields) for the Years and age groups with details of the programme of use;
  - (g) details of all out-of-hours events and measures to manage these events and mitigate against any potential adverse impacts on the security of the school due to these events;
  - (h) details of times when the waste collection vehicles would access the site (both AM and PM);
  - (i) include an Emergency Management Plan per conditions Schedule 3 E19 and E20; and
  - (j) include measures to manage operational noise impacts, particularly from outdoor playground and recreational areas, to ensure the use of the development does not result in exceedances of the project noise trigger levels in accordance with the report titled Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA.
- E22. The Operational Management Plan (OMP), must be updated (as relevant) prior to the commencement of operation of each subsequent construction phase and submitted to the Certifier for approval prior to the commencement of operation of each construction phase.

### **Childcare centre operational plan**

- E23. Prior to the commencement of operation of the childcare centre, an operational plan for the use of the childcare centre must be submitted to the Certifier for approval and a copy submitted to the Planning Secretary for information. The operational plan must include:

- (a) details confirming that the operating hours of the premises would be between 7am and 6pm, Monday to Friday;
- (b) a playtime programme with specific reference to management measures during the use of the outdoor play space that would be integrated with the play space of the school (Kindergarten classes); and
- (c) access control measures for the childcare centre child and separation from the school use.

**Noise Management Plan for Childcare centre**

- E24. Prior to the commencement of use of the childcare centre, a Noise Management Plan and complaints' handling procedures must be prepared for the childcare centre in consultation with a suitably qualified and experienced acoustic consultant. The Noise Management Plan must identify and implement strategies to minimise noise from the premises. The plan is to incorporate methods for promoting noise awareness by staff, a complaint lodgement procedure to ensure that members of the public are able to report noise issues, and a plan for responding to noise complaints in relation to the childcare centre.

**Childcare centre compliance**

- E25. Prior to the occupation of the childcare centre building, documentary evidence must be provided to the satisfaction of the Certifier demonstrating compliance with the requirements of Schedule 3 condition B9.

**Mechanical Ventilation**

- E26. Prior to commencement of operation of each construction phase, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

**Operational Noise – Design of Mechanical Plant and Equipment**

- E27. Prior to the commencement of operation of each construction phase, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

**Road Damage**

- E28. Prior to the commencement of operation of each construction phase, 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 must be met in full by the Applicant.

**Fire Safety Certification**

- E29. Prior to commencement of occupation of the buildings in each construction phase, 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**

- E30. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings in each construction phase, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the 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.

**Compliance with Food Code**

- E31. Prior to the commencement of operation of the canteen / café and childcare centre, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

**Stormwater Quality Management Plan**

- E32. Prior to the commencement of operation of each construction phase, a Stormwater Maintenance Plan (SMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the SMP. The SMP must ensure the proposed stormwater quality measures remain effective and contain the following:
  - (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

**Rainwater Harvesting**

- E33. Prior to the commencement of operation of the relevant construction phases where rainwater harvesting works are undertaken, signed works-as-executed Rainwater Re-use Plan must be provided to the Planning Secretary and Certifier.

**Warm Water Systems and Cooling Systems**

- E34. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

**Outdoor Lighting**

- E35. Prior to the commencement of operation of each construction phase, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
  - (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

**Signage**

- E36. Prior to the commencement of operation of each construction phase, way-finding signage and signage identifying the location of staff car parking must be installed.
- E37. Prior to the commencement of operation of each construction phase, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

**Operational Waste Management Plan**

- E38. Prior to the commencement of operation of each construction phase, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
  - (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the*

*Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009); and*

- (c) detail the materials to be reused or recycled, either on or off site.

## Landscaping

- E39. Prior to the commencement of operation of each construction phase, the Applicant must prepare an Operational Landscape Management Plan to the satisfaction of the Certifier. The plan must include details of maintenance and management measures for revegetated and landscaped areas of the site approved by this development consent.

## Asset Protection Zones and Water, electricity

- E40. Prior to the commencement of operation of each construction phase, the entire property must be managed as an inner protection area as outlined within Chapter 3, Chapter 6 and Appendix 4 of the *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service Document Standards for asset protection zones (APZ).
- E41. The provision of water, gas, and electricity must comply with section 6.8.3 of the *Planning for Bush Fire Protection 2019*.

## Enrolment Management Plan

- E42. Prior to the commencement of operation of construction phase 1, an Enrolment Management Plan is to be developed in consultation with Council. The Enrolment Management Plan must include strategies to improve equity in regard to socio-economic and cultural backgrounds of new enrolling students and to identify a priority enrolment area. The plan must be updated prior to the commencement of operation of the subsequent construction phases of the school as necessary and enrolments are to be managed in accordance with the plan.

## Community Sharing Strategy

- E43. Prior to the occupation or use of the playing fields or main hall building by the community (outside school), a community sharing strategy is to be developed in consultation with Council to enable sharing of the facilities with the community.

## Construction phase 1 Bond / Bank Guarantee for road upgrades

- E44. Prior to the commencement of operation of construction phase 1, a bond / bank guarantee must be paid to Council as security for the delivery of intersection upgrades to Eleventh Avenue and Fourth Avenue and Tenth Avenue and Fourth Avenue in construction phases 1 and 2. Council is to be contacted for calculation of the required bond / bank guarantee.

## School Zones

- E45. Prior to the commencement of operation of the relevant construction phase, all required School Zone signage, speed management signage and associated pavement markings along Fourth Avenue, Tenth Avenue and Eleventh Avenue must be installed, inspected by TfNSW (RMS) and handed over to TfNSW (RMS).

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

- E46. All bus zones and drop-off and pick-up zones must be installed and incorporate signs and pavement markings, where required, in accordance with TfNSW (RMS) approval / authorisation, guidelines and specifications.
- E47. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

## Fence

- E48. All boundary fencing in accordance with this development consent must be provided on the site prior to the commencement of operation each construction phase.

## Infrastructure

- E49. Prior to the commencement of operation of each construction phase, the necessary infrastructure including Sydney Water infrastructure upgrades to provide for satisfactory reticulate water supply, sewerage system etc must be completed and necessary approvals obtained.

E50. Deleted by SSD-8865 MOD 1

E51. Deleted by SSD-8865 MOD 1

## **Waste collection areas**

- E52. Prior to the commencement of the operation of the relevant construction phases which include enclose waste collection areas (including the childcare centre and the café), the Applicant must demonstrate to the satisfaction of the Certifier that the garbage room:
- (a) includes a concrete floor;
  - (b) floor is graded to an approved sewer connection with a sump and galvanised grate cover or basket;
  - (c) includes a hose for washing; and
  - (d) is vented to the external air by natural or artificial means.

## **Prior to Operation of School – Staged Student Population Numbers**

- E53. Prior to operation of the school with a student population exceeding 975 students, but not exceeding 1450 students, the following requirements must be met by the Applicant:
- (a) the Green Travel Plan (GTP) required by Schedule 3 condition E15 has been prepared and implemented;
  - (b) the Operational Traffic and Access Management Plan (OTAMP) required by Schedule 3 condition E18 has been prepared and implemented;
  - (c) the bus services (including government bus services and / or school bus services) as described and committed to in the Response to DPE (Mod 5) prepared by Urbis dated 6 December 2023 are in place and operational;
  - (d) a minimum of 14,500sqm of play space in the form of sporting fields, play courts and other outdoor spaces as approved as part of this development consent (as modified) have been completed and are operational;
  - (e) a minimum of 171 parking spaces are provided on site and are operational;
  - (f) a minimum of 100 student drop-off/pick-up spaces are provided on site and are operational;
  - (g) a minimum of 90 bicycle spaces; and
  - (h) evidence of these requirements having been met must be provided to the Certifier.
- E54. Prior to operation of the school with a student population exceeding 1450 students, but not exceeding 1870 students, the following requirements must be met by the Applicant:
- (a) the Green Travel Plan (GTP) required by Schedule 3 condition E16 has been prepared and implemented;
  - (b) the Operational Traffic and Access Management Plan (OTAMP) required by Schedule 3 condition E18A has been prepared and implemented;
  - (c) the bus services (including government bus services and / or school bus services) as described and committed to in the Response to DPE (Mod 5) prepared by Urbis dated 6 December 2023 are in place and operational;
  - (d) a minimum of 18,700sqm of play space in the form of sporting fields, play courts and other outdoor spaces as approved as part of this development consent (as modified) have been completed and are operational;
  - (e) a minimum of 171 parking spaces are provided on site and are operational;
  - (f) a minimum of 125 student drop-off/pick-up spaces are provided on site and are operational;
  - (g) a minimum of 90 bicycle spaces;
  - (h) the interim intersection works at Tenth Avenue/ Fourth Avenue and Eleventh Avenue/ Fourth Avenue intersections have been completed to Council's satisfaction and are operational; and
  - (i) evidence of these requirements having been met must be provided to the Certifier.

- E55. Prior to operation of the school with a student population exceeding 1870 students, but not exceeding 2402, the following requirements must be met by the Applicant:
- (a) the Green Travel Plan (GTP) required by Schedule 3 condition E16A has been updated and is being implemented.
  - (b) the Operational Traffic and Access Management Plan (OTAMP) required by Schedule 3 condition E18A has been updated and is being implemented.
  - (c) a minimum of 326 parking spaces are provided on site and are operational;
  - (d) a minimum of 125 student drop-off/pick-up spaces are provided on site and are operational;
  - (e) a minimum of 180 bicycle spaces;
  - (f) the permanent dual lane roundabouts at Tenth Avenue/ Fourth Avenue and Eleventh Avenue/ Fourth Avenue intersections have been completed to Council's satisfaction and are operational; and
  - (g) evidence of these requirements having been met must be provided to the Certifier.
- E56. Any documents required to be provided to the Certifier to meet the conditions of consent, must be made available to the Planning Secretary within 3 working days of a request being made.

FOR INFORMATION



**PART F POST OCCUPATION****Hours of Operation**

- F1. The following maximum hours of operation apply to the development:
- (a) Childcare centre: 7am to 6pm Monday to Friday only;
  - (b) OOSH: 7am to 6pm Monday to Friday only;
  - (c) General school activities including after-hours sport, special interest activities, school related gatherings and use of the café in association with these uses: 7am to 9pm daily;
  - (d) Community use of school facilities: 7am to 9pm daily;
  - (e) Occasional use of the main hall building to 10pm: up to 12 days per year.

**Out of Hours Event Management Plan**

- F2. Prior to the commencement of the first out of hours events that involve operations past 9.00 pm for any group or use after 6.00 pm by 100 or more people (whether school or community use), the Applicant must prepare an Out of Hours Event Management Plan, in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) measures to minimise localised traffic and parking impacts; and
  - (f) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- F3. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.

**Operation of Plant and Equipment**

- F4. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

**Operation of the café**

- F5. The operation of the café should generally be in conjunction with to the use of the site as a school / childcare centre and the community uses proposed within the school. The use of the café must be managed in accordance with the OMP for the school.

**Warm Water Systems and Cooling Systems**

- F6. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

**Community Communication Strategy**

- F7. 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 Transport and Access Management Plan (OTAMP)**

- F8. The OTAMP(s) approved under Schedule 3 conditions E18 and E18A (as relevant) (as revised from time to time) must be implemented by the Applicant for the life of the development.

**Operational Noise Limits**

- F9. The Applicant must ensure that noise generated by o the development do not exceed the Site-specific noise criteria as established in Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA.

- F10. The Applicant must undertake short term noise monitoring in accordance with the EPA Noise Policy for Industry within three months of commencement of the first out of school hours event within the main hall building, the outdoor play fields and the childcare centre. The short term attended noise monitoring must occur for a period of three months to verify that:
- (a) operational noise levels from plant and machinery installed in this building do not exceed the recommended noise levels for mechanical plant identified in the Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA;
  - (b) operational noise levels from the use of the main hall building, including evening and night time uses (as defined by the Noise Policy for Industry) and the use of the play fields (including evening use and weekend use) do not exceed the recommended Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA; and
  - (c) operational noise levels from the childcare centre do not exceed the recommended Site-specific noise criteria at the sensitive noise receivers identified in the Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA.
- F11. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary at the end of the three months.
- F12. Should the noise monitoring program identify any exceedance of the recommended noise levels in the Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision B dated 31 March 2021) prepared by JHA, the Applicant must implement appropriate noise attenuation measures, so that operational noise levels do not exceed the recommended noise levels or provide alternate attenuation measures at the affected noise sensitive receivers.

**Unobstructed Driveways and Parking Areas**

- F13. 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**

- F14. The GTP required by Schedule 3 condition E15, **E16 and E16A (as relevant)** of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

**Ecologically Sustainable Development**

- F15. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5-star Green Star Design & As Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary unless an alternative certification process has been agreed to by the Planning Secretary under Schedule 3 condition C12, where evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

**Outdoor Lighting**

- F16. Notwithstanding Schedule 3 condition E35, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

**Landscaping**

- F17. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by Schedule 3 condition E39 for the duration of occupation of the development.

**Rainwater Harvesting**

- F18. The Applicant must implement the rainwater re-use plan required by condition Schedule 3 condition B6(j) for the duration of the development.

## Asset Protection Zones

F19. The APZs required by Schedule 3 condition E40 shall be maintained for the duration of occupation of the development.

## Community Sharing Strategy

F20. Use of the playing fields or main hall building is to include community use of the facilities in accordance with the community sharing strategy developed under Schedule 3 condition E43.

## Post approval traffic monitoring

F21. Within 6 months of implementation of the OTAMP required by Schedule 3 conditions E18 and E18A, a suitably qualified independent traffic consultant must undertake an audit of the functioning of the drop-off/pick-up zones and bus zones. The audit must:

- (a) include traffic counts at the drop-off/pick-up zones during the AM and PM school peak periods for a minimum of two consecutive school days during school term;
- (b) be undertaken on school days that are generally representative of all student years being in attendance at school;
- (c) demonstrate that the proposed drop-off/pick-up zones:
  - i) are adequate to cater for the school traffic;
  - ii) do not result in queuing across the surrounding roads;
  - iii) do not unreasonably impede the movement of passing vehicles including emergency vehicles on the surrounding roads;
- (d) include surveys to demonstrate that the proposed bus services are operational and be undertaken again 6 months after the student numbers exceed 1450 and again when they exceed 1870.

F22. Within 6 months of undertaking each of the audit required by Schedule 3 condition F21, the Applicant must submit to the Planning Secretary the results of each of the audits, to verify the achievement of the Green Travel Plan (GTP) outcomes as required under Schedule 3 conditions E15 and E16, as well as provide details of any mitigations / management measures that have been implemented,

F23. Within 12 months of operation of the school with a student population of 1870 students or greater, and then for the following two consecutive years at 12 month intervals (starting from the first year of the audit), the Applicant must provide to the satisfaction of the Planning Secretary, evidence that the:

- (a) Green Travel Plan required by Schedule 3 condition E16A has been implemented and that the proposed yearly targets of mode share have been achieved: or
- (b) that an overall reduction in the car usage to the school campus has been achieved; and
- (c) that an alternative mode share targets have been agreed to by the Planning Secretary and necessary amendments to the Green Travel Plan have been implemented.

**ADVISORY NOTES****General**

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

**Long Service Levy**

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

**Legal Notices**

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

**Access for People with Disabilities**

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

AN5. Water, electricity and gas are to comply with sections 6.8.3 of Planning for Bush Fire Protection 2019.

**Utilities and Services**

AN6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN7. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

**Road Design and Traffic Facilities**

AN8. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (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.

**Road Occupancy Licence**

AN9. 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**

AN10. 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**

AN11. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

**Handling of Asbestos**

AN12. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

**Speed limit authorisation**

AN13. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW (RMS) and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

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

**Fire Safety Certificate**

AN14. 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.

FOR INFORMATION

## 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 Planning Secretary 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 Schedule 3 condition A23 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.