

# Development consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 11 October 2017, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

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

Sydney

2017

### SCHEDULE 1

<b>Application No.:</b>	SSD 7787
<b>Applicant:</b>	NSW Department of Education
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	21 and 23 Fairway Drive, Kellyville (Lot 11 DP 247442 and Lot 501 DP 1130020)
<b>Development:</b>	<p>Construction of Kellyville South Public School, comprising:</p> <ul style="list-style-type: none"><li>• construction of a new primary school up to two storeys in height, for 1,000 students, consisting of two multi-purpose school buildings, a sports hall, external sports field and court;</li><li>• construction of driveways from Ernesta Place and Free Settlers Drive;</li><li>• construction and augmentation of associated infrastructure services including a stormwater management, electricity substation and telecommunications;</li><li>• landscaping works including construction of formal and informal learning areas, playgrounds, amphitheatre, sensory gardens and the planting of new vegetation; and</li><li>• use of the sports hall and sports field as facilities for community hire.</li></ul>

SSD 7787 MOD 1 approved 12 November 2018

SSD 7787 MOD 2 approved xx May 2019

## DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Addendum Response to Submissions (RtS)	<i>Kellyville South Public School (SSD16_7787) – Response to RTS Government Agency Comments</i> , prepared by Urbis Pty Ltd, dated 1 September 2017 and accompanying attachments
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent, as defined under Schedule 1 of this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2 of this consent
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work required to construct the development, including but not limited to bulk earthworks, inground works, services and finishes, landscaping and public domain works, signage and other infrastructure covered by this consent
Council	The Hills Shire Council
Certification of Crown Building works	Certification under s109R of the Environmental Planning and Assessment Act 1979
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Scheme (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	The Department of Planning and Environment
Evening	The period from 6 pm to 10 pm
Environmental Impact Statement (EIS)	<i>Environmental Impact Statement Kellyville South Public School</i> , prepared by Urbis Pty Ltd, dated 21 December 2016.
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build
Harm	Harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, and harm will be material if: <ul style="list-style-type: none"> <li>a) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or</li> <li>b) it 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>
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, movable object, tree or precinct of heritage significance, that is listed under any of the following: the State Heritage Register under the Heritage Act, a state agency

	heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , a Local Environmental Plan under the EP&A Act, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent.
Incident	An occurrence or set of circumstances that: <ul style="list-style-type: none"> <li>• causes, or threatens to cause material harm to the environment; or</li> <li>• results in non-compliance with this consent.</li> </ul> <p><i>NOTE: "Harm" is defined in this consent.</i></p>
Minister	Minister for Planning, or nominee
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of Environment and Heritage, or its successor
Operation	The operation of the development for its approved purpose upon completion of construction
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
RtS	<i>Kellyville South Public School (SSD16_7787) – Response to Submissions and Additional Information</i> , prepared by Urbis Pty Ltd, dated 3 July 2017 and accompanying attachments
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Subject Site	21 and 23 Fairway Drive, Kellyville (Lot 11 DP 247442 and Lot 501 DP 1130020)

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Development Description

A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in condition of consent A2.

#### Development in Accordance with Plans and Documents

A2. The Applicant must carry out the development in accordance with the conditions of consent and generally in accordance with the:

- a) State Significant Development Application SSD 7787;
- b) EIS, except where amended by the RtS and addendum RtS;
- c) following drawings, except for:
  - i) any modifications which are Exempt or Complying Development; and
  - ii) as otherwise provided by the conditions of this consent.

A3. Architectural Drawings prepared by <i>TDK Architects</i>			
A4. Dwg No.	A5. Rev	A6. Name of Plan	A7. Date
AR-SSD-0000	B	COVER SHEET / LOCATION DIAGRAM	23.06.17
AR-SSD-1001	A	SITE ANALYSIS PLAN	09.02.17
AR-SSD-1201	D	PROPOSED SITE PLAN	28.07.17
AR-SSD-2001	B	LOWER GROUND FLOOR PLAN	21.06.17
AR-SSD-2002	D	GROUND FLOOR PLAN (01/02)	23.08.17
AR-SSD-2003	C	GROUND FLOOR PLAN (02/02)	23.06.17
AR-SSD-2004	C	FIRST FLOOR PLAN	23.06.17
AR-SSD-2005	C	ROOF PLAN	23.06.17
AR-SSD-3001	C	ELEVATIONS	21.06.17
AR-SSD-3101	C	SECTIONS	23.06.17
AR-SSD-7300	A	EXTERNAL FINISHES AND COLOURS	09.02.17
A8. Landscape Drawings prepared by <i>Context</i>			
A9. Dwg No.	A10. Rev	A11. Name of Plan	A12. Date
N/A	F	Landscape Principles	September 2017
N/A	F	Landscape Plan	September 2017
N/A	F	Details Landscape Plan – Central Courtyard	September 2017
N/A	F	Details Landscape Plan – Active Play	September 2017
N/A	F	Details Landscape Plan – Linear Learning Nodes	September 2017
N/A	F	Details Landscape Plan – Streetscape and Entries	September 2017
N/A	F	Section AA	September 2017
N/A	F	Section BB	September 2017
N/A	F	Signage Detail	September 2017
N/A	F	Tree Retention and Removal	September 2017
N/A	F	Tree Schedule	September 2017
N/A	F	Planting Palette	September 2017
A13. Stormwater Management Plans prepared by <i>Woolacotts</i>			
A14. D	A15.	A16. Name of Plan	A17. D

wg No.	ev		ate
SW1	A	Stormwater Management Plan and Details	21.04.16
ES1	A	Erosion and Sediment Control Plan and Details	21.04.16

### Terms of Consent

A18. The Secretary may make written direction to the Applicant:

- a) arising from the Department's assessment of any strategies, plans, programs, reviews, audits, notification, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents);
- b) arising from the Department's assessment of any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this consent or in relation to an incident (whether notified to the Department or not); and
- c) in relation to the implementation of any actions or measures contained in any of the documents listed in (a) or (b) of this condition.

### Inconsistency between documents

A19. If there is any inconsistency between the plans and documentation referred to above the most recent document must prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### Development Expenses

A20. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

### Lapsing of approval

A21. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

### Prescribed Conditions

A22. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

### Dispute Resolution

A23. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter must be binding on the parties.

### Notice of Commencement of Works

A24. The Applicant must notify the Department in writing of the date of commencement of each of the following phases of the development, at least 48 hours prior to that date:

- a) construction; and
- b) operation.

## **Evidence of consultation**

- A25. Where consultation with any stakeholder identified in the conditions of this consent is required by any conditions of this consent, the Applicant must:
- consult with the relevant stakeholder prior to submitting the required document for approval;
  - submit evidence of such consultation as part of the relevant document;
  - describe how matters raised by the stakeholder have been addressed and identify any matters that have not been resolved; and
  - include details of any outstanding issues raised by the stakeholder and an explanation of disagreement between any stakeholder and the Applicant.

## **Long Service Levy**

- A26. 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**

- A27. Any advice or notice to the consent authority must be served on the Secretary.

## **Compliance**

- A28. The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

## **Revision of Strategies, Plans and Programs**

- A29. Within two months of:
- the submission of an annual review/compliance report required by conditions of this consent;
  - the submission of an incident report required by conditions of this consent;
  - the submission of an audit under required by conditions of this consent; and
  - the approval of any modification to the conditions of this consent/approval; or
  - a direction of the Secretary under condition A3 of this consent,

the Applicant must review and if necessary revise, the strategies, plans and programs required under this consent/approval to the satisfaction of the Secretary.

Where this review leads to revisions in any such document, then within six weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.

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

## **Incident Notification, Reporting and Response**

- A30. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident.

A31.

- A written incident notification must also be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within 24 hours after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant forms the view that an incident has not occurred.
- Written notification of an incident must:
  - identify the development/project and application number;

- ii) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- iii) identify how the incident was detected;
- iv) identify when the applicant/proponent became aware of the incident;
- v) identify any actual or potential non-compliance with conditions of consent/approval;
- vi) describe what immediate steps were taken in relation to the incident;
- vii) identify further action(s) that will be taken in relation to the incident; and
- viii) identify a project contact for further communication regarding the incident.

A32.

- a) Within 7 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements for such reporting set out in A17.b), and such further reports as may be requested.
- b) The Incident Report must include:
  - i) a summary of the incident;
  - ii) outcomes of an incident investigation, including identification of the cause/s of the incident;
  - iii) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - iv) details of any communication with other stakeholders regarding the incident.

A33. Any written requirements of the Secretary or relevant public authority (as determined by the Secretary) which may be given at any point in time, to address the cause or impact of an incident must be complied with and within any timeframe specified by the Secretary or relevant public authority.

A34. If statutory notification is provided to the EPA as required under the POEO Act in relation to the project, such notification must also be provided to the Secretary within 24 hours after the notification was provided to the EPA.

A35. Incidents are to be notified as part of monitoring the carrying out of the Development to provide data on compliance with this consent or the environmental impact of the Development. Accordingly, Division 2B of Part 6 of the EP&A Act applies.



## **PART B      PRIOR TO COMMENCEMENT OF WORKS**

### **Notice of Commencement of Works**

B1. The Crown Certifying Authority, Council and the Department must be given written notice, at least 48 hours prior to the commencement of each stage of works on the Subject Site.

### **Certified Plans**

B2. Plans certified in accordance with section 109R of the EP&A Act must be submitted to the Certifying Authority and the Department prior to commencement of each stage of the construction works and must include details as required by any of the following conditions.

### **Ecologically Sustainable Development**

B3. Prior to commencement of works, the Applicant must submit details of the chosen ESD measures incorporated into the final design, as identified in the *ESD Report* prepared by Umow Lai dated 7 December 2016. Details must be submitted to the satisfaction of the Crown Certifying Authority.

### **Reflectivity**

B4. The building materials used on the facades of the buildings must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A statement demonstrating compliance with these requirements or where compliance cannot be met a report that demonstrates that the exceedance would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers must be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of above ground works.

### **Outdoor Lighting**

B5. All outdoor lighting within the Subject Site must comply with AS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Crown Certifying Authority.

### **Bicycle Parking and End-of-Trip Facilities**

B6. Plans demonstrating compliance with the following requirements for secure bicycle parking and end-of-trip facilities, identified in the *Traffic Impact Assessment*, prepared by Traffix dated 1 March 2017, must be submitted to the satisfaction of the Crown Certifying Authority:

- a) the provision of a minimum 60 bicycle parking spaces, including an appropriate number designated for staff-only usage;
- b) the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance; and
- c) the provision of end-of-trip facilities for staff in accordance with the Green Star Design & As Built rating tool.



### **Access for People with Disabilities**

B7. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of any work, the Crown Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### **Erosion and Sedimentation Control**

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

### **Pre-Construction Dilapidation Reports**

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

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

### **Car Parking and Service Vehicle Layout**

B10. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the satisfaction of the Certifying Authority prior to the commencement of works:

- a) all vehicles should enter and leave the Subject Site in a forward direction. If site constraints do not permit heavy rigid vehicles to enter and leave in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
- b) all construction vehicles must be contained wholly within the site and vehicles must enter the site before stopping;
- c) appropriate pedestrian advisory signs must be provided at the egress from the car park;
- d) all works/ regulatory signposting associated with the proposed development must be at no cost to the relevant roads authority; and
- e) the swept path of the longest vehicle entering and exiting the Subject Site in association with the new work, as well as manoeuvrability through the Subject Site, must be in accordance with AUSTROADS. In this regard, a plan must be submitted to Council for approval, which shows that the proposed development complies with this requirement.

B11. Plans indicating line marking and signage, of public roads and footways must be submitted to the relevant roads authority for approval where required.

- B12. A **Road Safety Audit** (RSA), prepared by suitably qualified consultant, must be undertaken of the bus layby design, in consultation with Transport for New South Wales, and any recommendations of the **RSA** must be implemented into the final bus layby design. The Applicant must submit the **RSA** to the satisfaction of the Secretary prior to works commencing.
- B13. Prior to commencement of building works, the design of the site boundary fencing and access gate, located adjacent to the waste collection area, must be amended to accommodate the clearance envelope of a 10 m Rigid Truck. A swept path assessment demonstrating that a 10 m Rigid Truck can enter the site in a forward direction, reverse into the waste collection area and exit the site in a forward direction is to be submitted to the satisfaction of the Crown Certifying Authority prior to commencement of building works.

### **Traffic Management**

- B14. A final **Traffic Management Plan** (TMP), prepared by suitably qualified consultant, must be undertaken demonstrating that road safety and traffic efficiency is not compromised on the surrounding road network. The **TMP** is to be prepared in consultation with Council and submitted to the satisfaction of the Crown Certifying Authority.

### **Structural Details**

- B15. Prior to the commencement of building works, the Applicant must submit to the satisfaction of the Crown Certifying Authority structural drawings prepared and signed by a suitably qualified practicing Structural Engineer that demonstrates compliance with:
- a) the relevant clauses of the BCA; and
  - b) the development consent.

### **Mechanical Ventilation**

- B16. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of airconditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Crown Certifying Authority prior to the commencement of building works.

### **Stormwater and Drainage Works Design**

- B17. Final drainage design plans of the stormwater drainage management system must be prepared by a suitably qualified engineer generally in accordance with the stormwater drainage drawings prepared by Woolacotts (as listed under Condition A2). The drainage design plans must be submitted to the Crown Certifying Authority prior to the commencement of works.

### **Storage and Handling of Waste**

- B18. The building plans and specifications accompanying the relevant plans submitted to the Crown Certifying Authority prior to the commencement of relevant works associated with this consent must demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the School. Requirements of these storage areas must be designed in consultation with Council, evidence of which must be supplied to the Crown Certifying Authority, and must:

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

### **Road Design and Traffic Facilities**

B19. All roads and traffic facilities must be designed to meet the requirements of Council or RMS (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### **Construction Environmental Management Plan**

B20.

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

B21. The **CEMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

## Construction Noise and Vibration Management Plan

B22.

- a) Prior to the commencement of works on the Subject Site, a **Construction Noise and Vibration Management Plan** (CNVMP) must be prepared for the development and must address, but not be limited to, the following matters where relevant:
  - i) be prepared by a suitably qualified expert;
  - ii) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
  - iii) describe the measures that would be implemented to ensure:
    - i. best management practice is being employed;
    - ii. compliance with the relevant conditions of this consent;
  - iv) describe the proposed noise and vibration management measures in detail;
  - v) include strategies that have been developed to address impacts to noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
  - vi) describe the consultation undertaken to develop the strategies in v) above;
  - vii) evaluates and reports on the effectiveness of the noise and vibration management measures; and
  - viii) include a complaints management system that would be implemented for the duration of the project.

B23. The Applicant must submit a copy of the **CNVMP** to the Department and Council, prior to commencement of work.

B24. The **CNVMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

## Construction Traffic and Pedestrian Management Plan

B25.

- a) Prior to the commencement of works on the Subject Site, a **Construction Traffic and Pedestrian Management Plan** (CTPMP) must be prepared for the development by a suitably qualified expert and in consultation with Council. The **CTPMP** must specify, but not be limited to, the following:
  - i) identification of construction traffic routes for all required vehicles during construction, inclusive of any crane delivery, including any known road closures and consideration of alternate routes and construction traffic volumes (including heavy vehicle/spoil haulage) on these routes;
  - ii) details of construction vehicle movements including parking, dedicated vehicle turning areas, and ingress and egress points;
  - iii) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts;
  - iv) discussion of potential cumulative construction impacts on the surrounding road network as a result of the simultaneous construction of adjoining developments;

- v) details of management measures to minimise traffic impacts, including temporary road work traffic control measures and measures to minimise peak period congestion;
  - vi) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction;
  - vii) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists;
  - viii) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists;
  - ix) an adaptive response plan which sets out a process for response to any traffic, construction or other incident; and
  - x) mechanisms for the monitoring, review and amendment of the **CTPMP**.
- b) The Applicant must submit a copy of the CTPMP to the Department and Council, prior to commencement of work.

B26. The CTPMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

### **Construction Waste Management Plan**

B27.

- a) Prior to the commencement of works on the Subject Site, a **Construction Waste Management Plan** (CWMP) must be prepared for the development by a suitably qualified person and in consultation with the Council. The **CWMP** must address, but not be limited to, the following matters:
  - i) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
  - ii) details of methods to be used to prevent spill, escape of any dust, waste or spoil from the vehicles or trailers used to transport waste or excavation spoil from the site.
- b) details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, must be submitted to the satisfaction of the Crown Certifying Authority prior to the removal of any hazardous materials.
- c) the Applicant must notify the RMS Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site; and
- d) the Applicant must submit a copy of the **CWMP** to the Department and Council, prior to commencement of work.

B28. The **CWMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction work.

### **Site Contamination**

B29. Prior to the commencement of works, the Applicant must submit a written statement, prepared by a suitably qualified environmental consultant, to the Crown Certifying Authority advising the results of the post demolition site inspection. If contamination was discovered on the site, the Applicant must submit to the Crown Certifying

Authority a **Site Audit Report** and **Site Audit Statement** prepared by an EPA accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the uses proposed as part of this approval.

### Utility Services

- B30. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and telecommunication carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the building structure.
- B31. 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.

### Complaints and Enquiries Procedure

- B32. Prior to the commencement of works, the following must be made available for community enquiries and complaints for the duration of construction:
- a) a toll-free 24 hour telephone number(s) on which complaints and enquiries about the application may be registered;
  - b) a postal address to which written complaints and enquires may be sent; and
  - c) an email address to which electronic complaints and enquiries may be transmitted.
- B33. A **Complaints Management System** must be prepared before the commencement of any works and be implemented and maintained for the duration of works.

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

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

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

### Pre-Construction Compliance Reporting

- B34. A **Pre-Construction Compliance Report** must be prepared and submitted to the Secretary for information before the commencement of construction. The **Pre-Construction Compliance Report** must include:
- a) details of how the terms of this approval that must be addressed before the commencement of construction have been complied with; and
  - b) the commencement date for construction.

Construction must not commence until the **Pre-Construction Compliance Report** has been submitted to the Secretary.



## PART C DURING CONSTRUCTION

### Hours of Work

C1. The hours of construction, including the delivery of materials to and from the Subject Site, must be restricted as follows:

- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
- b) between 8 am and 1 pm, Saturdays; and
- c) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- i) the delivery of materials is required outside these hours by the Police or other authorities; or
- ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
- iii) variation is approved in advance in writing by the Secretary or her nominee; or
- iv) where the works are inaudible at the nearest sensitive receivers; or
- v) works are carried out during the following hours ('the extended construction hours') between 1:00pm and 3:30pm Saturdays.

### Extended Construction Hours

C1A. During the extended construction hours outlined in condition C1(iv), the following requirements must be met:

- a) no deliveries of materials to the site or collection of materials from the site are to be made: and
- b) all workers during the extended hours are to be informed of the following requirements and the builder is to ensure the following practices are adhered to:
  - i) access to the site during the extended hours is restricted to site personnel only;
  - ii) workers are not to loiter or take breaks in any external areas of the site during the extended construction hours; and
  - iii) workers entering or exiting the site or within any external areas are to take care not to speak in raised voices, talk on mobile phones, use any radio including car radio, cause noise disturbance through the transportation of tools or any other activity.
- c) all construction works shall be carried out in accordance with the requirements of condition B22 and the recommendations of the Extended Hours Construction Noise Impact Assessment prepared by Acoustic Logic and dated 12 July 2018 (as amended by this condition).

C1B. If investigation of complaint(s), through appropriate noise testing, establishes that offensive noise has occurred or works have been carried out during the extended construction hours outlined in condition C1(iv) in breach of conditions of approval, and the complaint is justified, then the Department may require by notice to the applicant, owner and developer, that the construction hours may be restricted or revert to the approved hours in the original consent.



### **Construction Traffic**

- C2. All construction vehicles (including concrete agitator trucks) are not to arrive at the project site or surrounding residential areas prior to the approved start time of works for the day

### **Site Contamination Issues During Construction**

- C3. Should any new information come to light during construction works which has the potential to alter previous conclusions about site contamination, then the Crown Certifying Authority must be immediately notified and works must cease. The Crown Certifying Authority will determine whether further investigation, or the need for remediation, is required before construction works can recommence.

### **Erosion and Sediment Control**

- C4. All erosion and sediment control measures, must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **Disposal of Seepage and Stormwater**

- C5. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

### **Approved Plans to be On-site**

- C6. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Crown Certifying Authority.

### **Construction Noise Management**

- C7. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **CNVMP**.
- C8. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW *Industrial Noise Policy*, 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C9. The Applicant must schedule intra-day 'respite periods' for construction activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to surrounding residents and other noise sensitive receivers or where construction activities result in those residents and sensitive receivers being exposed to construction noise levels above 75 dB(A) (i.e. "highly noise affected").
- C10. The Applicant must schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Secretary:
- a) 9 am to 12 pm, Monday to Friday;

- b) 2 pm to 5 pm Monday to Friday; and
- c) 9 am to 12 pm, Saturday.

C11. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.

### **Vibration Criteria**

C12. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150-3 *Structural Vibration – Effects of vibration on structures*; and
- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472-1:2008 *Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting* (1 Hz to 80 Hz) for low probability of adverse comment.

C13. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

C14. These limits apply unless otherwise outlined in the **CNVMP**, required under Condition B22 and submitted to the satisfaction of the Crown Certifying Authority.

### **Tree Protection**

C15.

- a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- b) all street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- c) all trees on the Subject Site that are not approved for removal must be suitably protected during construction as per recommendations of the Arboricultural Impact Assessment, prepared by Bluegum Tree Care and Consultancy, dated April 2016; and
- d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

### **Landscaping**

C16. Any trees planted (that would reach a height of >8 m at maturity) as part of the approved Landscape Plan must be of a suitable advanced stage, be a locally endemic species and be endorsed by a suitably qualified and experienced person(s). Confirmation that all trees have been planted in accordance with this condition (including number of trees) must be provided to the Certifying Authority prior to operation unless otherwise agreed by the Secretary.

## **Waste**

- C17. Waste Management provisions must be implemented in general accordance with the approved **CWMP**.
- C18. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste or spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.

## **Site Notice**

C20.

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

## **SafeWork Requirements**

- C21. 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**

C22. The following hoarding requirements must be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing;
- b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and
- c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

## **No Obstruction of Public Way**

- C23. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

### **Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics**

- C24. If any unexpected archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and the Heritage Office 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 Office.

### **Discovery of Aboriginal Heritage**

- C25. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all projects/sites. Works may only recommence with the written approval of OEH.

### **Incident Reporting**

- C26. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant must notify the Secretary and any other relevant agencies of the incident in accordance with the requirements outlined in conditions of consent A15 to A20.
- C27. Within seven days of the detection of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested in accordance with condition of consent A17.

### **Regular Reporting**

- C28. The Applicant must provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

### **Access to Information**

- C29. Within six months of the date of this consent the Applicant must make the following information publicly available on its website and keep the information up to date:
- a) the EIS;
  - b) current statutory approvals for the Development;
  - c) approved strategies, plans or programs;
  - d) a complaints register, updated on an annual basis; and
  - e) any other matter required by the Secretary.

**Note:** *This condition does not require any confidential information to be made available to the public.*

### **Compliance – General**

- C30. The Applicant must ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- C31. The Applicant must be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

C32. **Construction Compliance Reports** must be prepared and submitted to the Secretary for information every six months from the date of the commencement of construction or within another timeframe agreed with the Secretary, for the duration of construction. The **Construction Compliance Reports** must include:

- a) a results summary and analysis of environmental monitoring;
- b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
- c) details of any review of, and minor amendments made to, the **CEMP** as a result of construction carried out during the reporting period;
- d) a register of any consistency assessments undertaken and their status;
- e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
- f) a summary of all incidents notified in accordance with this approval; and
- g) any other matter relating to compliance with the terms of this approval or as requested by the Secretary.

#### **Damage to Council Infrastructure**

C33. Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 6686 4444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

#### **Excavation on Public Land**

C34. All excavations and backfilling on public land associated with the development must be executed in accordance with the appropriate safety standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life and property.

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## PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Car Parking Arrangements

D1. Prior to operation, the Secretary must be provided with evidence of written correspondence from Council indicating that a formal agreement has been reached with the Applicant for use of car parking associated with the Balmoral Road Reserve by the Applicant for a minimum:

- a) 55 car parking spaces for staff between 7 am and 6:30 pm during school days; and
- b) 21 spaces for external users associated with the after school hours use of School facilities.

### Operational Noise Management Plan

D2. An **Operational Noise Management Plan** (ONMP) must be prepared prior to the commencement of use of the sports hall and sports courts outside of school use to the satisfaction of the Secretary that includes, but is not limited to:

- a) a description of each type of event, activity and/or use to be undertaken, including a description of any amplification systems;
- b) identification of noise sensitive receivers, existing and proposed, likely to be adversely affected by activities undertaken;
- c) details of a noise monitoring program that monitors sound levels from use outside of school use and retains records of the results and details of the monitoring equipment used, including its location and settings;
- d) clearly defined noise management objectives that incorporates all recommended mitigation measures contained in the *Construction and Operational Noise Report*, prepared by Wilkinson Murray, dated 17 February 2017, including the requirement that windows and doors of the sports hall remain closed during major events and the maximum allowable sound levels and limitation level of excessive low frequency (bass) noise;
- e) details of a noise complaints handling procedure and actions to be taken at the time of each complaint to monitor and minimise noise impacts. The procedures must include:
  - i) the time and date each complaint was received;
  - ii) how the complaint was received;
  - iii) the contact details of the person lodging the complaint;
  - iv) the proposed actions to prevent a reoccurrence of the noise impact;
- f) a program for review of the **ONMP**, including ongoing assessment and improvement of the **ONMP**. The program must address the effectiveness of:
  - i) community consultation (consultation prior to, during (complaints handling and response) and after events and activities described in part a) and consultation as part of the plan review process);
  - ii) the use of technology or the setup procedures to mitigate or prevent noise impacts;
  - iii) the use of real time mitigation measures to mitigate or prevent noise impacts;
  - iv) the use of monitoring programs, the monitoring data records and community consultation information to prevent or mitigate noise impacts; and



- g) the program of review must also provide an Implementation Strategy, that commits to specific management actions, including operational procedures to be implemented along with timeframes. The specific management actions must incorporate best management practice that adequately addresses the identified problems and issues with both non-structural and structural aspects of noise management, such as community consultation, operational hours, equipment setup, use of technology, real time noise mitigation measures, and monitoring program.

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

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

### **Workplace Travel Plan**

D5. Prior to operation, a final Workplace Travel Plan (WTP) must be prepared by a suitably qualified consultant, and to the satisfaction of the Secretary, that addresses, but not limited to, the following:

- a) objectives and mode share targets (i.e. site and landuse specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the **WTP**;
- b) specific tool and actions to help achieve the objectives and mode share targets;
- c) measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the **WTP**; and
- d) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the **WTP**, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of students and staff to and from the School at appropriate times throughout the academic year.

D6. The **WTP** must be (as revised from time to time) must be implemented by the Applicant, or person/s authorised to, for the life of the development.

### **Mechanical Ventilation**

D7. Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Crown Certifying Authority, prior to the final occupation, that the installation and performance of the mechanical systems complies with:

- e) the BCA;
- f) AS 1668.2-2012 *The use of airconditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
- g) the development consent and any relevant modifications; and
- h) any dispensation granted by the NSW Fire Brigade.

### **Road Damage**

D8. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation of the new development.



## Sydney Water Compliance

- D9. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

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

- D10. Deleted.

## Post-construction Dilapidation Report

D11.

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

## Fire Safety Certification

- D12. Prior to the final occupation of the school, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

## Structural Inspection Certificate

- D13. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Crown Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- a) the site has been periodically inspected and the Crown 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.

## Signage

- D14. Way-finding signage and signage identifying the location of staff car parking must be installed prior to [completion of the Balmoral Road Reserve car park](#). [Temporary way-finding signage must be installed identifying the location of alternative car parking](#).

- D15. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.
- D16. 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site prior to occupation.

### School Zones

- D17. Installation of all required School Zone signage, speed management signage and associated pavement markings along Free Settlers Drive, Fairway Drive and Ernesta Place is to be completed prior to commencement of use of the development.

[School zone signage and line-marking must be installed along Free Settlers Drive prior to use of the road.](#)

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

- D18. The Applicant is to must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

- D19. [Deleted.](#)

### Stormwater Quality Management Plan

- D20. An **Operation and Maintenance Plan** (OMP) is to be prepared to ensure proposed stormwater quality measures remain effective. The **OMP** must contain the following:

- a) maintenance schedule of all stormwater quality treatment devices;
- b) record and reporting details;
- c) relevant contact information; and
- d) Work Health and Safety requirements.

Details demonstrating compliance must be submitted to the Crown Certifying Authority prior to occupation.

### Pre-operation Compliance Report

- D21. A **Pre-Operation Compliance Report** must be prepared and submitted to the Secretary for information no later than one month before the commencement of operation or within another timeframe agreed with the Secretary. The Pre-Operation Compliance Report must include:

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

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

### Parking Management

- D22. A **Parking Management Strategy** (PMS) must be prepared by a suitability qualified traffic consultant and submitted to the satisfaction of the Secretary prior to occupation. The Strategy must be prepared in consultation with Council and other relevant stakeholders and must include, but not be limited to, identification of measures to manage parking behaviours generated by the development and address any road safety and any congestion impacts, including monitoring arrangements of the student pick-up/drop-off area.

D22A. The Parking Management Strategy and Workplace Travel Plan must be updated and submitted to the Secretary for information prior to the completion of the Balmoral Road Reserve car park. The documents must be updated to address the final parking and Kiss and Drop arrangements for the site required under the conditions of this consent.

D23. The nominated student pick-up/drop-off area along the southern side of Free Settlers Drive, identified in the Site Plan approved in condition A2, must be restricted to five minute parking between 8:00 am to 9:00 am and 3:00 pm and 4:00 pm on school days and signposted accordingly.

*Notes: Any required approvals for altering street parking restrictions are required to be obtained from the relevant consent authority.*

D23A. Once construction of the Balmoral Road Reserve car park and all associated infrastructure as referenced in Conditions D14 and D17 are completed, all Kiss and Drop traffic is to use Free Settlers Drive.

### **Compliance with Food Code**

D24. The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the Crown Certifying Authority prior to occupation.

### **Ecologically Sustainable Development**

D25. Prior to the occupation of the development, the Applicant shall submit details, prepared by a suitability qualified person, to the Crown Certifying Authority demonstrating that ESD initiatives identified under condition B3 have been incorporated in the new buildings.

### **Works as executed (asset listing)**

D26. In connection with the Works-As-Executed drawings, the Applicant must submit to Council an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.

### **Final School Catchment**

D27. The Applicant must provide Transport for New South Wales a copy of the final school catchment prior to occupation of the development.

### **Construction of the surrounding road network**

D28. The road network, including footpaths and pedestrian crossing points, directly adjoining the site and connections to Balmoral Road Reserve car parking provisions must be completed in accordance with Council's relevant Engineering Guidelines and prior to commencement of use of the development, unless otherwise agreed by the Secretary.

### **External Walls and Cladding Flammability**

D29. The External walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority must:

- a) Be satisfied that suitable evidence is provided to demonstrate 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 relevant requirements of the NCC; and

- b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

D30. A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

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## **PART E POST OCCUPATION**

### **Workplace Travel Plan**

E1. The **Workplace Travel Plan** must be updated and reviewed annually and recommendations implemented accordingly.

### **Parking Management Strategy**

E2. The **PMS** required under Condition D20 of this consent must be updated and reviewed annually, in consultation with Council, and recommendations implemented accordingly.

### **Operational Noise Management**

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

### **Unobstructed Driveways and Parking Areas**

E4. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### **Noise Control**

E5. Noise associated with the operation of any plant, machinery, School public address system, school bell or other equipment on the Subject Site, must not exceed 5 dB(A) above the background noise level when measured at the boundary of any sensitive receiver.

E6. Grounds maintenance involving the use of power equipment must be restricted to between:

- a) 7:30 am and 6 pm Mondays to Fridays; and
- b) 8 am and 1 pm on Saturdays.

E7. Waste collection services must only be undertaken between the hours of 6:30 am and 6:00 pm Mondays to Fridays.

E8. Use of the sports hall is restricted to the following:

- a) between 7 am and 10 pm, Monday to Sunday;
- b) associated clean-up and non-intrusive maintenance activities until 11 pm; and
- c) a maximum of three concerts annually that involve amplified music.

E9. Use of the sports field is restricted to the following

- a) between 8 am and no later than 10 pm, Monday to Sunday; and
- b) associated clean-up and non-intrusive maintenance activities until 11 pm.

E10. To ensure that use of the sports hall outside of school hours does not generate adverse noise impacts, all doors and windows must remain closed at all times during major event concerts and sporting contests.

E11. The Applicant must carry out a noise monitoring program of representative uses of the sports hall and sports field outside of school use to demonstrate that the level, nature, quality and character of noise emitted by those uses. The noise monitoring program, carried out by a suitably qualified person, must be undertaken following commencement of use of the development and within the first year of use.

The noise monitoring program and a monitoring report must be submitted to the Secretary within two months of the final day of noise monitoring to verify that operational noise levels

do not exceed the relevant provisions identified in *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual and Industrial Noise Policy. The monitoring report must include detailed recommendations concerning any additional feasible and reasonable noise mitigation and management measures, including further or more relaxed restrictions on the times at which, identified in condition E7, and the frequency, of each use of the sports hall and sport field outside school use.

### **Vehicle Management**

- E12. All loading and unloading of service vehicles in connection with the use of the premises must be carried out wholly within the Subject Site at all times.
- E13. All vehicles must enter and leave the Subject Site in a forward direction.

### **Public Way to be Unobstructed**

- E14. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

### **External Lighting**

- E15. External Lighting must comply with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Crown Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

### **Fire Safety Certificate**

- E16. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

### **Landscaping**

- E17. The landscaping is to be maintained at all times following its installation in accordance with the approved Landscape Plan.
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## **ADVISORY NOTES**

### **Appeals**

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

### **Other Approvals and Permits**

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

### **Responsibility for other consents / agreements**

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

### **Use of Mobile Cranes**

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

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

### **Temporary Structures**

AN5.

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

### **Disability Discrimination Act**

AN6. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant is responsible to ensure compliance with this and



other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - *Design for Access and Mobility*. AS 1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN7.

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

### **Asbestos Removal**

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