

# Development Consent

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

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

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

Sydney

2018

### SCHEDULE 1

<b>Application Number:</b>	SSD 8778
<b>Applicant:</b>	NSW Department of Education
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	781 Merrylands Road, Greystanes (Lot 1, DP 539019; Lot 1 DP 782352 and Lot 1 DP 76683)
<b>Development:</b>	Alterations and additions of Greystanes Public School, comprising: <ul style="list-style-type: none"><li>• site preparation works, including bulk earthworks and tree removal;</li><li>• construction of a new two to three storey building (Block M) including:<ul style="list-style-type: none"><li>○ 24 home-base classrooms with 12 associated withdrawal rooms, 12 practical activity areas and six balconies;</li><li>○ toilet facilities, cleaners room, communication room, store room;</li><li>○ vertical circulation including multiple sets of stairs and a lift;</li></ul></li><li>• construction of a new single storey staff/administration building comprising:<ul style="list-style-type: none"><li>○ staff room, offices, sick bay, store rooms, interview rooms, print room and toilet facilities;</li></ul></li><li>• construction of a new covered outdoor learning area (COLA);</li><li>• refurbishment of Block A as a multipurpose learning space;</li></ul>

- on-site car parking for 28 vehicles;
- two business identification signs fronting Merrylands Road;
- public domain and landscaping works, including construction of associated stormwater management works.

**SSD 8778 MOD 1** - Modify the conditions of the consent to allow for the staging of the development.

For Information

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Department of Education or any person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>Certifying Authority</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	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: <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling, investigative excavation or Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul>
<b>Council</b>	Cumberland Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising site preparation, construction, and use, 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>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement, State Significant Development, Greystanes Public School</i> , prepared by DFP Planning Consultants, dated March 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material

<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>GTP</b>	Green Travel Plan
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in <i>Environmental Impact Statement – Greystanes Public School, prepared by DFP Planning Consultants and dated 23 March 2018</i>
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEH</b>	NSW Office of Environment and Heritage
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>RMS</b>	NSW Roads and Maritime Services

<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>SES</b>	NSW State Emergency Service
<b>Site</b>	The land defined in Schedule 1 OR describe the site in detail.
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

For Information

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**Obligation to Minimise Harm to the Environment**

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

**Terms of Consent**

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

<b>Architectural Drawings prepared by <i>JDH architects</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SSD00	B	Cover sheet and location plan	15-Feb-18
SSD01	C	Demolition plan	15-Feb-18
SSD02	C	Tree management plan	15-Feb-18
SSD11	E	Proposed site plan	18-Oct-18
SSD12	D	Proposed site analysis plan	15-Feb-18
SSD13	C	Waste management plan	15-Feb-18
SSD22	C	Demolition ground floor plan	15-Feb-18
SSD31	D	Proposed ground floor plan – Zone A	15-Feb-18
SSD32	C	Proposed roof plan – Zone A	15-Feb-18
SSD33	E	Proposed ground floor plan – Zone B	15-Feb-18
SSD34	D	Proposed first floor plan – Zone B	15-Feb-18
SSD35	D	Proposed second floor plan - Zone B	15-Feb-18
SSD36	C	Proposed roof plan – Zone B	15-Feb-18
SSD41	C	Proposed elevation Zone A – Sheet 1	15-Feb-18
SSD42	C	Proposed elevation Zone A – Sheet 2	15-Feb-18
SSD43	C	Proposed elevation Zone B – Sheet 1	15-Feb-18
SSD44	C	Proposed elevation Zone B – Sheet 2	15-Feb-18
SSD51	C	Proposed section Zone A	15-Feb-18
SSD52	C	Proposed section Zone B	15-Feb-18
SSD61	B	Shadow diagrams	15-Feb-18
SSD71	C	Signage plan – Zone A	15-Feb-18
SSD81	C	Streetscape elevation	15-Feb-18
SSD82	B	Colour and finishes schedule	15-Feb-18
SSD91	B	Building height limit – 3D view	15-Feb-18
SSD100	C	3D perspective Zone A	15-Feb-18
SSD101	B	3D perspective Zone B – Sheet 1	15-Feb-18

SSD102	C	3D perspective Zone B – Sheet 2	15-Feb-18
		Car park details – Opt 1B	18-Oct-18
<b>Landscape drawings prepared by xx</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L-01	F	Landscape plan admin facilities – Zone A	6-Jul-18
L-02	G	Landscape plan new building – Zone B	6-Jul-18

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

#### **Limits of Consent**

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

#### **Prescribed Conditions**

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

#### **Planning Secretary as Moderator**

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

#### **Long Service Levy**

- A8.** For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

#### **Legal Notices**

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

#### **Evidence of Consultation**

- A10.** Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary or Certifying Authority for approval; and
  - provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

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

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

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

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

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

### Demolition

**A14.** Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

### Structural Adequacy

**A15.** All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

#### Notes:

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

### External Walls and Cladding

**A16.** The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### Applicability of Guidelines

**A17.** References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### Monitoring and Environmental Audits

**A18.** Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

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

### Access to Information

**A19.** At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
  - (i) the documents referred to in condition A2 of this consent;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
  - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vi) a summary of the current stage and progress of the development;
  - (vii) contact details to enquire about the development or to make a complaint;
  - (viii) a complaints register, updated monthly;
  - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant’s response to the recommendations in any audit report;
  - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### Compliance

**A20.** 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.

### Staging

**A21.** The project may be constructed and operated in stages in accordance with the Staging Report Greystanes Public School SSD 8778 Version 03 prepared by Daniel Smith on behalf of NSW Department of Education in August 2020.

**A22.** Staging of the proposed development may be varied (for either construction or operation) in accordance with a revised Staging Report submitted to and approved by the Planning Secretary.

**A23.** Any revised Staging Report prepared in accordance with condition A22 must:

- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
- (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
- (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
- (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

- A24.** The project must be staged in accordance with the Staging Report approved under condition A21 or in accordance with a revised Staging Report approved under condition A22.
- A25.** The terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage set out in the Staging Report as approved under condition A21 or a revised Staging Report approved under condition A22, must be complied with at the relevant time for that stage.

#### **ADVISORY NOTES**

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

## PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- B1.** The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

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

### Certified Drawings

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

### External Walls and Cladding

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

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

### Protection of Public Infrastructure

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

### Site Contamination

- B5.** Remediation approved as part of this development consent must be carried out in accordance with the *Remediation Action Plan* dated 7 September 2018 and prepared by Environmental Investigation Services.
- B6.** Upon completion of remedial works, the Applicant must submit 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. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for continued primary school land use and be provided to the satisfaction of the Certifying Authority.

### Unexpected Contamination Procedure

- B7.** Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the Construction Environmental Management Plan (**CEMP**) in accordance with condition B15 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

### Utilities and Services

- B8.** Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- B9.** Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where

relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **Community Communication Strategy**

- B10.** A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

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

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

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

### **Compliance**

- B11.** The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### **Ecologically Sustainable Development**

- B12.** Prior to the commencement of construction, the Applicant must submit details of all design measures to the satisfaction of the Certifying Authority demonstrating the proposal incorporates ecologically sustainable development initiatives as outlined in *ESD Report* prepared by JDH architects dated 30 October 2017 to achieve the equivalent of a minimum 4 Star Green Star rating.

### **Outdoor Lighting**

- B13.** Prior to commencement of construction, all outdoor lighting within the site must comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority.

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

- B14.** 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 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.

## Construction Environmental Management Plan

**B15.** Prior to commencement of construction, the Applicant must prepare a Construction Environmental Management Plan (CEMP) and it must include, but not be limited to, the following:

- (a) Details of:
  - (i) hours of work;
  - (ii) 24-hour contact details of site manager;
  - (iii) management of dust and odour to protect the amenity of the neighbourhood;
  - (iv) stormwater control and discharge;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) groundwater management plan including measures to prevent groundwater contamination;
  - (vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
  - (viii) community consultation and complaints handling;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B17);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition B18);
- (d) Construction and Demolition Waste Management Sub-Plan (see condition B19);
- (e) Construction Soil and Water Management Sub-Plan (see condition B20);
- (f) Biodiversity Management Sub-Plan (see condition B21);
- (g) Flood Emergency Response (see Condition B22);
- (h) an unexpected finds protocol for contamination and associated communications procedure;
- (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- (j) 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.

**B16.** The Applicant must not commence construction of the development until the **CEMP** is approved by the Certifying Authority and a copy submitted to the Planning Secretary.

**B17.** The **Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP)** must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
- (d) detail heavy vehicle routes, access and parking arrangements;
- (e) include a Driver Code of Conduct to:
  - (i) minimise the impacts of earthworks and construction on the local and regional road network;
  - (ii) minimise conflicts with other road users;
  - (iii) minimise road traffic noise; and
  - (iv) ensure truck drivers use specified routes;
- (f) include a program to monitor the effectiveness of these measures; and
- (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

**B18.** The **Construction Noise and Vibration Management Sub-Plan (CNVMSP)** must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition B18(d); and
  - (f) include a complaints management system that would be implemented for the duration of the construction.
- B19.** The **Construction and Demolition Waste Management Sub-Plan (CWMS)** must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- B20.** The Applicant must prepare a **Construction Soil and Water Management Plan (CSWMS)** 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;
  - (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 and 1 in 100-year ARI).
- B21.** The **Biodiversity Management Sub-Plan (BMSP)** must address, but not be limited to, the following:
- (a) provide information and maps that define the biodiversity values across the site;
  - (b) outline priority investment area on-site where biodiversity will benefit from active management and restoration;
  - (c) map potential areas for management of threatened and significant species;
  - (d) measures to minimise the loss of key fauna habitat, including tree hollows;
  - (e) measures to minimise the impacts on fauna on site, including conducting fauna pre-clearance surveys prior to vegetation clearing, building/structure demolition;
  - (f) engagement of an appropriately qualified ecologist with experience in capturing native wildlife to be on site for all vegetation removal activities;
  - (g) controlling weeds and feral pests;
  - (h) an Unexpected Finds Procedure detailing procedures and management measures to be implemented in the event that flora and fauna is uncovered in any area not identified in the updated Biodiversity Assessment (BAR);
  - (i) measures to ensure biodiversity values not intended to be impacted are protected, including barriers and mapping of protected/ 'no-go' areas; and
  - (j) a program to monitor the effectiveness of the measures in the FFMS.
- B22.** The Flood Emergency Response Sub-Plan (FERSP) must be prepared in consultation with the NSW SES and Council and address, but not be limited to, the following:

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

### **Biodiversity**

**B23.** Prior to any clearing or construction works, the Applicant must purchase and retire ecosystem credits to offset the removal of native vegetation on site. The ecosystem credits must be determined in accordance with the OEH's *Framework for Biodiversity Assessment (FBA)* and the *Biobanking Assessment Methodology 2014 (BBAM)*.

**Note:** If the Applicant seeks a variation to the offset rules, the Applicant must demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the OEH's *NSW Biodiversity Offsets Policy for Major Projects 2014*

### **Construction Parking**

**B24.** Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

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

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

### **Stormwater Management System**

**B26.** Prior to the commencement of construction, the Applicant must design a stormwater management system for the development and submit it to the satisfaction of the Certifying Authority. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the EIS;
- (c) be in accordance with applicable Australian Standards;
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
- (e) divert existing clean surface water around operational areas of the site;
- (f) direct all sediment laden water in overland flow away from the leachate management system;
- (g) prevent cross-contamination of clean and sediment or leachate laden water.

### **Construction and Demolition Waste Management**

**B27.** The Applicant must notify the RMS Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

### **Mechanical Ventilation**

**B28.** All mechanical ventilation systems must be designed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the

occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction.

### **Rainwater Harvesting**

- B29.** Prior to the commencement of construction, the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

### **Roadworks and Access**

- B30.** Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a 11.5m long heavy rigid vehicle.

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

- B31.** Compliance with the following requirements must be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction:
- (a) all vehicles must enter and leave the Site in a forward direction;
  - (b) minimum of 28 on-site car parking spaces for use during operation of the development and designed in accordance with the latest version of AS2890.1;
  - (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with AUSTROADS; and
  - (d) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

### **Public Domain Works**

- B32.** Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifying Authority 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 Certifying Authority.

### **Compliance Reporting**

- B33.** No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.

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

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

- B34.** Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

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

- B35.** Prior to commencement of construction, the Applicant must incorporate the noise mitigation recommendations in the Acoustic Report by Cundall, into the detailed design drawings. The Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Acoustic Report by Cundall.

## PART C DURING CONSTRUCTION

### Approved Plans to be On-site

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

### Site Notice

- C2.** A site notice(s):
- (a) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
  - (b) is to satisfy all but not be limited to, the following requirements:
    - (i) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
    - (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
    - (iii) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
    - (iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- C3.** All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
  - b) operated in a proper and efficient manner.

### Demolition

- C4.** Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

### Construction Hours

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

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

- C6.** Activities may be undertaken outside of the hours in condition C5 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 her nominee if appropriate justification is provided for the works.

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

- C7.** Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

#### **Implementation of Management Plans**

- C8.** The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

#### **Construction Traffic**

- C9.** All construction vehicles (excluding worker vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.

#### **Road Occupancy Licence**

- C10.** 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**

- C11.** 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**

- C12.** 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**

- C13.** 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. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

#### **Construction Noise Limits**

- C14.** The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C15.** The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C5.
- C16.** The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C17.** Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

## Vibration Criteria

- C18.** 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).
- C19.** Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C18.
- C20.** The limits in conditions C18 and C19 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B15 of this consent.

## Tree Protection

- C21.** For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
  - (c) all trees on the site that are not approved for removal must be suitably protected during construction in accordance with AS 4970 2009: Protection of trees on development sites;
  - (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required; and
  - (e) The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

## Dust Minimisation

- C22.** The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C23.** During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## Air Quality Discharges

- C24.** The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

## Erosion and Sediment Control

- C25.** All erosion and sediment control measures, must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

## Imported Soil

**C26.** The Applicant must:

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

## Disposal of Seepage and Stormwater

**C27.** Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.

## Unexpected Finds Protocol – Aboriginal Heritage

**C28.** In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of OEH.

## Unexpected Finds Protocol – Historic Heritage

**C29.** If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the OEH Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage Division of the OEH.

## Waste Storage and Processing

**C30.** Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

**C31.** All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

**C32.** The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste of spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.

**C33.** The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

## Handling of Asbestos

**C34.** The Applicant is to consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – ‘Transportation and management of asbestos waste’ must also be complied with.

## Incident Notification, Reporting and Response

**C35.** The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

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

## Non-Compliance Notification

- C36.** The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.

The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

## Revision of Strategies, Plans and Programs

- C37.** Within three months of:

- (a) the submission of a compliance report under condition B33;
- (b) the submission of an incident report under condition C35;
- (c) the submission of an Independent Audit under condition C40;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,

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

- C38.** If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

## Independent Environmental Audit

- C39.** 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.

- C40.** No later than four weeks after the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.

- C41.** 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 8 weeks of the notified commencement date of construction; and
- (b) a subsequent Independent Audit of construction must be undertaken no later than 26 weeks from the date of the initial construction Independent Audit.

In all other respects Table 1 remains the same. 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 4 weeks' notice to the applicant of the date upon which the audit must be commenced.

- C42.** Independent Audits of the development must be carried out in accordance with:

- (a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C40 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).

**C43.** 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 C40 of this consent;
- (b) submit the response to the Department and the Certifying Authority; and
- (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing when this has been done.

**C44.** 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.

### **Car Parking**

**C45.** Within 3 months of commencement of construction the Applicant must consult with Council to determine whether Council's carpark associated with the Greystanes Sportsground on the southern side of Merrylands Road can be used as overflow staff carparking during school hours.

The outcome of the consultation and the particulars of any agreement must be detailed in a report and submitted to the satisfaction of the Planning Secretary.

### **Landscaping**

**C46.** Within 3 months of the commencement of construction of the building, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Certifying Authority. The plan must:

- (a) provide for the planting in accordance with the approved *Landscape Plan* (Dwg No. L-01 and L-02 prepared by SPACE Landscape Architects dated 6 July 2018);
- (b) detail the species to be planted on-site, ensuring replacement tree planting at a minimum ratio of 1:1 for all trees removed from the site;
- (c) identify that tall trees planted on the site are established prior to the occupation of the premises;
- (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
- (e) provide for the planting of locally endemic street trees along the northern side of Merrylands Road between Taylor Street and No. 779 Merrylands Road, in consultation with Council.

**C47.** The Applicant must submit a copy of the Landscape Management Plan to the Planning Secretary and the Certifying Authority.

## PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Notification of Occupation

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

### External Walls and Cladding

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

### Protection of Public Infrastructure

- D4.** Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - 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 any contributions required by this consent.*

### Post-construction Dilapidation Report

- D5.** Prior to occupation of the building, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure.
  - to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifying Authority must:
    - compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - to be forwarded to Council.

### Utilities and Services

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

### Works as Executed Plans

- D7.** Prior to occupation of the building, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority.

### Green Travel Plan

- D8.** The Green Travel Plan (GTP), prepared by ARUP dated 27 July 2018, must be amended by a suitably qualified traffic consultant in consultation with TfNSW and submitted to the satisfaction of the Certifying Authority prior to occupation. The GTP must include, but not be limited to the following:
- 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;
  - specific tools and actions to help achieve the objectives and mode share targets;

- (c) measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (d) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of students and staff to and from both schools at appropriate times throughout the academic year.

### **Mechanical Ventilation**

- D9.** Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to the final occupation, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
  - (b) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
  - (c) the development consent and any relevant modifications; and
  - (d) any dispensation granted by the NSW Fire Brigade.

### **Fire Safety Certification**

- D10.** Prior to the final occupation, a **Fire Safety Certification** 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 Certification must be prominently displayed in the building.

### **Structural Inspection Certificate**

- D11.** A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
  - (c) person/s authorised to, for the life of the development.

### **Stormwater Quality Management Plan**

- D12.** Prior to occupation of the building, an **Operation and Maintenance Plan (OMP)** is to be prepared to ensure proposed stormwater quality measures remain effective. The OMP must contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

- D13.** Details demonstrating compliance must be submitted to the Certifying Authority prior to occupation.

### **Rainwater Harvesting**

- D14.** A signed works-as-executed Rainwater Re-use Plan must be provided to the Certifying Authority prior to occupation of the building.

### **Warm Water Systems and Cooling Systems**

- D15.** The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act*

2010, Public Health Regulation 2012 and Parts 1 and 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### Signage

- D16. Way-finding signage and signage identifying the location of staff car parking must be installed prior to occupation.
- D17. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.
- D18. '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 with the site prior to occupation.

### Operational Waste Management Plan

- D19. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Department/Certifying Authority. 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);
  - (c) detail the materials to be reused or recycled, either on or off site.

### Validation Report

- D20. The Applicant must prepare a Validation Report for the development. The Validation Report must:
  - (a) be prepared by an EPA accredited Site Auditor;
  - (b) be submitted to EPA, the Planning Secretary and the Certifying Authority for information one month after the completion of remediation works;
  - (c) be prepared in accordance with the RAP and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011);
  - (d) include, but not be limited to:
    - (i) comment on the extent and nature of the remediation undertaken;
    - (ii) describe the location, nature and extent of any remaining contamination on site;
    - (iii) sampling and analysis plan and sampling methodology;
    - (iv) results of sampling of treated material, compared with the treatment criteria in the RAP;
    - (v) details of the volume of treated material emplaced within the containment cell and its location;
    - (vi) results of any validation sampling, compared to relevant guidelines/criteria;
    - (vii) discussion of the suitability of the remediated areas for the intended land use; and
    - (viii) any other requirement relevant to the project.

### Site Audit Report and Site Audit Statement

- D21. Prior to occupation of the building, the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use(s).
- D22. Within 12 months of submission of the Validation Report required by condition D20, the Applicant must demonstrate to the satisfaction of the Certifying Authority that the Site Auditor has submitted a Site Audit Report and Site Audit Statement to EPA in accordance with the requirements of EPA's *Guidelines for the NSW Site Auditor Scheme* (3<sup>rd</sup> edition) 2017.

## Outdoor Lighting

**D23.** The Applicant must ensure the installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers. Outdoor lighting must:

- (a) comply with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Upon installation of outdoor lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

## Operational Transport and Access Management Plan (OTAMP)

**D24.** An OTAMP is to be prepared for the school by a suitably qualified person, in consultation with Council, Transport for NSW and RMS, to the satisfaction of the Secretary, and must address the following:

- (a) Detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
- (b) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- (c) the location and operational management procedures of the pick-up and drop-off parking located within Merrylands Road, including staff management/traffic controller arrangements;
- (d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations along Merrylands Road, including staff management/traffic controller arrangements;
- (e) delivery and services vehicle and bus access and management arrangements;
- (f) management of approved access arrangements;
- (g) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking in Merrylands Road;
- (h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (i) a monitoring and review program.

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

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

## Car Parking Arrangements

**D25.** Unless otherwise agreed by the Planning Secretary, occupation or commencement of use of the car parking on-site must not occur until evidence to the satisfaction of the Planning Secretary is submitted demonstrating:

- (a) works associated with the reconfiguration of the existing car park to create 28 car parking spaces have been completed.

### **Road Damage**

- D26.** The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to commencement of use of any stage of the development.

### **Landscaping**

- D27.** The Applicant must not commence operation until the Landscape Management Plan is submitted to the Certifying Authority.

### **Flood Management Plan**

- D28.** Prior to occupation of the building, the Applicant must prepare a Flood Management Plan in consultation with Council and State Emergency Service to the satisfaction of the Certifying Authority.

## PART E POST OCCUPATION

### Operation of Plant and Equipment

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

### Community Communication Strategy

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

### Operational Noise Limits

- E3. Noise associated with the operation of any plant, machinery or other equipment on the site, must not exceed 5 dB(A) above the background noise level when measured at the boundary of the sensitive receiver.
- E4. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry*, to collect valid data and provide a quantitative assessment of operational noise impacts following the occupation of the buildings.

Noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of full occupation of the building.

Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

### Unobstructed Driveways and Parking Areas

- E5. 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

- E6. The Green Travel Plan required by condition D8 of this consent must be updated annually and implemented.

### Outdoor Lighting

- E7. Notwithstanding Condition D23, 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.

### Fire Safety Certificate

- E8. 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

- E9. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B23 for the duration of occupation of the development.

## APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C35 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.