

# Development Consent

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

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the Environmental Planning and Assessment Act 1979, approves 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.



Peter Duncan AM (Chair)  
Member of the Commission



Adrian Pilton  
Member of the Commission

Sydney

26 February 2021

### **SCHEDULE 1**

<b>Application Number:</b>	SSD-9210
<b>Applicant:</b>	Assyrian Schools Limited
<b>Consent Authority:</b>	Independent Planning Commission of NSW
<b>Site:</b>	Lot 2320 & 2321 DP 1223137 17–19 Kosovich Place, Cecil Park
<b>Development:</b>	<p>The construction and operation of a new school, Saints Peter and Paul Assyrian School, for a maximum of 630 students from Kindergarten to Year 6 in six stages comprising:</p> <ul style="list-style-type: none"><li>• site preparation works, bulk earthworks and soil remediation;</li><li>• construction of a two-storey school building with 21 classrooms, presentation areas, outdoor play spaces on both levels, administration offices and staff facilities;</li><li>• construction of a single storey library building connected to the school building via the canteen;</li><li>• construction of a single storey multipurpose hall;</li><li>• construction of covered outdoor learning areas (COLAs) and covered walkways connecting the buildings on the site, and signage;</li></ul>

- construction of outdoor pedestrian plazas at various levels, outdoor open play areas, multi-purpose sports courts and sports fields;
- carparking area with 39 spaces, internal driveway, and internal drop-off / pick-up area with 30 car spaces;
- associated landscaping works, revegetation and remediation of a riparian zone; and
- external roadworks including the widening and construction of bus bays on Kosovich Place, construction of pedestrian footpath and upgrades to the intersection of Kosovich Place and Wallgrove Road.

## 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>	Assyrian Schools Limited or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a council or accredited certifier
<b>Church</b>	Saints Peter and Paul Parish Church located adjacent to the site
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the carrying out of works for the purposes of the development, including bulk earthworks and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works;</li> <li>• remediation works;</li> <li>• revegetation; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	Fairfield City Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation, 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
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement Proposed Saints Peter and Paul Assyrian Primary School (Master Plan and Built Form Approval) 17–19 Kosovich Place, Cecil Park Lot 2320 &amp; 2321 DP 1223137</i> , prepared by Willowtree Planning dated October 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<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>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department’s website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>LTEMP</b>	Long Term Environmental Management Plan
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section I of the Environmental Impact Statement, date October 2018, and Part G of the Response to Submissions, dated April 2019.
<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 and Public Spaces (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 9.39 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>NSW RFS</b>	New South Wales Rural Fire Service
<b>OMP</b>	Operational Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>OTPM</b>	Operational Traffic and Pedestrian Management Plan
<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>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 (RtS)</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>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Stage 1</b>	As indicated in <i>DA103 Issue A</i> dated April 2018 prepared by PMDL and the works listed in the EIS
<b>TfNSW</b>	Transport for New South Wales
<b>TfNSW (RMS)</b>	Transport for New South Wales (Roads and Maritime Services)
<b>Upgrading</b>	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation.
<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

**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, as amended by Condition B1:

<b>Saints Peter and Paul Assyrian Primary School, Cecil Park prepared by PMDL</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA101	A	Masterplan	April 2018
DA102	A	Stage 01 – Masterplan	April 2018
DA103	A	Staged Construction Plan	April 2018
DA111	A	Stage 01 – Ground Floor	July 2018
DA112	A	Stage 01 – 1st Floor	July 2018
DA113	A	Stage 01 – Roof Plan	July 2018
DA121	B	Ground Floor – Dimensioned	July 2018
DA122	B	First Floor – Dimensioned	July 2018
DA123	B	Roof Plan – Dimensioned	July 2018
DA201	A	Elevations North and South	July 2018
DA202	A	Elevations East & West	July 2018
DA301	A	Longitudinal Sections	July 2018
DA302	A	Cross Sections	July 2018
DA615	A	Materials Palette	July 2018
<b>Landscape Concept Design prepared by Arterra Design Pty Ltd</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L-SD-01	A	Landscape Master Plan	28/08/18
L-SD-02	A	Driveway – Typical Section	28/08/18
L-SD-03	A	Perspective Views	28/08/18
L-SD-04	A	Perspective Views & Character Images	28/08/18
L-SD-05	A	Perspective Views	28/08/18
L-SD-06	A	Proposed Tree Planting Plan	28/08/18
L-SD-07	A	Stage 1 Landscape Plan	28/08/18
<b>Civil Works Master Plan prepared by Martens and Associates Pty Ltd</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
PS03-A050	E	Engineering Overview Plan	11/09/2018
PS03-C100	E	Earthworks Grading Plan	11/09/2018
PS03-C200	B	Earthworks Site Sections Sheet 1	11/09/2018

PS03-C201	B	Earthworks Site Sections Sheet 2	11/09/2018
PS03-C500	E	Earthworks Cut-Fill Plan	11/09/2018
PS03-D100	E	Roadworks Plan	11/09/2018
PS03-D200	E	Driveway (21-MRL01) and Carpark Aisle (21-MRL02) Longitudinal and Typical Sections	11/09/2018
PS03-D201	E	Carpark Aisle (21-MRL03) and Emergency Vehicle Access (21-MRL04) Longitudinal and Typical Sections	11/09/2018
PS03-E300	D	Drainage Longitudinal Sections Sheet 1	11/09/2018
PS03-E301	D	Drainage Longitudinal Sections Sheet 2	11/09/2018
<b>Civil Works Master Plan – Stage 01 prepared by Martens and Associates Pty Ltd</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
PS04-A050	E	Engineering Overview Plan	20/09/2018
PS04-C100	E	Earthworks Grading Plan	20/09/2018
PS04-C200	E	Earthworks Site Sections (Sheet 1)	20/09/2018
PS04-C201	E	Earthworks Site Sections (Sheet 2)	20/09/2018
PS04-C500	E	Earthworks Cut – Fill Plan	20/09/2018
PS04-D100	E	Roadworks Plan	20/09/2018
PS04-D200	E	Driveway (21-MRL01) and Carpark Aisle (21-MRL02) Longitudinal and Typical Sections	20/09/2018
PS04-D201	E	Carpark Aisle (21-MLR03) Longitudinal and Typical Sections	20/09/2018

- 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;
  - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; 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 work is physically commenced.
- A6. The canteen is to be generally used in conjunction with the educational use of the site and the community uses proposed within the school site.
- A7. The Stage 1 of the construction works, as identified in the EIS and the plans listed in condition A2, must be undertaken on the site prior to any other stages. Any works beyond Stage 1 are only permitted upon satisfactory evidence of completion of Stage 1 to the Planning Secretary.
- A8. This consent does not permit works within the “Vegetated Riparian Zone” identified in *Dwg No PS02-AZ08 Issue B (Watercourse Assessment)* prepared by Martens Consulting Engineers dated 25 July 2018 except for works in relation to remediation of land or revegetation identified

in *Riparian Vegetation Management Plan* prepared by Molino Stewart Pty Ltd dated September 2018 as updated by the conditions of this consent.

- A9. This consent does not permit any works on Lot 2321 DP 1223137 (except remediation works and flood management works) until:
- (a) the additional flood impact assessment is completed (as required by conditions of this consent) and any additional flood mitigation measures are provided within this allotment (if required);
  - (b) remediation works within this allotment are completed in accordance with the *Remedial Action Plan: Lots 2320 and 2321 DP 1223137, 17 and 19 Kosovich Place, Cecil Park, NSW* prepared by Martens Consulting Engineers dated August 2018 and as updated by the conditions of this consent;
  - (c) the “restriction-as-to-use” on the title of this allotment is removed; and
  - (d) evidence of compliance with the above points is submitted to the satisfaction of the Planning Secretary.

#### **Student and staff numbers**

- A10. The maximum student and staff numbers on the site are limited to:
- (a) 630 students with 35 full time equivalent staff members at any one time at the completion of the entire development; and
  - (b) a maximum of 210 students with 12 full time equivalent staff relates to the operation of Stage 1 of the development.
- A11. This consent does not permit operation of the school with more than 210 students and 12 full time equivalent staff, until:
- (a) a compliance report is submitted to the Planning Secretary’s satisfaction, demonstrating that all relevant conditions of the consent have been complied with (specifically in relation to wastewater management, stormwater management, flooding works and open space);
  - (b) a traffic and parking survey has been undertaken by an independent traffic consultant validating actual parking and traffic situation within the site and on Kosovich Place against the traffic generation forecast in the *Traffic and Parking Impact Assessment* prepared by McLaren Traffic Engineering dated 4 September 2018 and the addendums submitted with this application; and
  - (c) the following:
    - (i) provide evidence, to the satisfaction of the Planning Secretary, that upgrades to the intersection of Wallgrove Road / Elizabeth Drive have been undertaken and completed by Transport for NSW (TfNSW) or other public authorities; **OR**
    - (ii) provide a detailed traffic assessment for approval by the Planning Secretary, which identifies the number of students (between 210 and 630) that can be accommodated within the road network without upgrades to the above intersection.
- A12. At least four weeks prior to any proposed increase of student numbers beyond 210 and full time equivalent staff number beyond 12, the Applicant must provide evidence of compliance with condition A11 to the satisfaction of the Planning Secretary.
- A13. Any further increase of students beyond the number identified in a traffic assessment in condition A11(c) (**if conducted**) is not permitted under this consent until evidence to the satisfaction of the Planning Secretary is provided to demonstrate that the upgrades to the intersection of Wallgrove Road / Elizabeth Drive have been undertaken by TfNSW or other public authorities.

#### **Prescribed Conditions**

- A14. 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**

- A15. 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.

## **Evidence of Consultation**

- A16. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## **Staging**

- A17. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A18. A Staging Report prepared in accordance with condition A17 must:
- (a) be generally consistent with Stages 1 – 6 marked in the staging plans in Staged Construction Plan (DA103) Rev A prepared by PMDL, dated April 2018;
  - (b) include student numbers in each stage as follows:
    - (i) Stage 1 – 210 students;
    - (ii) Stage 2 – 371 students;
    - (iii) Stage 3 – 492 students;
    - (iv) Stage 4 – 550 students; and
    - (v) Stage 5 – 630 students.
  - (c) if staged construction is proposed, set out:
    - (i) 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;
    - (ii) details of concurrent operations within the school premises during construction works; and
    - (iii) the general timing of when construction of each stage will commence and finish.
  - (d) if staged operation is proposed, set out:
    - (i) 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;
    - (ii) include details of proposed total number of students at each stage including no more than 210 students and 12 full time equivalent staff members at the commencement of Stage 1 and a maximum of 630 students and 35 full time equivalent staff members at the completion of the development;
    - (iii) include details of the total open space (playing fields, outdoor learning areas and covered outdoor spaces) for each stage in accordance with the landscape plan required by condition B1;
    - (iv) include details of any off-site open spaces to be utilised during the interim construction stages to compensate for identified lack of open spaces on the site;
    - (v) include details of wastewater and stormwater management and operations at various stages of the development;

- (vi) the general timing of when operation of each stage will commence and finish (if relevant);
  - (vii) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (viii) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A19. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A20. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

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

- A21. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A22. Any strategy, plan or program prepared in accordance with condition A17, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A23. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A24. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Structural Adequacy**

- A25. All new buildings and structures must be constructed in accordance with the relevant requirements of the Building Code of Australia (BCA).

#### **Notes:**

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

### **External Walls and Cladding**

- A26. The external walls of all buildings must comply with the relevant requirements of the BCA.

### **Design and Construction for Bush Fire**

- A27. All construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and

section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2019 (or any updated version).

- A28. Water, electricity and gas must comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2019 (or any updated version).

### **Applicability of Guidelines**

- A29. 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.
- A30. 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**

- A31. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

### **Access to Information**

- A32. 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 audit of the development and the Applicant’s response to the recommendations in any audit report; and
    - (x) any other matter required by the Planning Secretary.
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

### **Compliance**

- A33. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

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

- A34. The Planning Secretary must be notified through the major projects portal 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.
- A35. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

## **Site Contamination**

- A36. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

## **Non-Compliance Notification**

- A37. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A38. 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.
- A39. 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**

- A40. Within three months of:
- (a) the submission of a compliance report under condition A43;
  - (b) the submission of an incident report under condition A34;
  - (c) the submission of an Independent Audit under condition D40;
  - (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 A2 which requires a review.

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

- A41. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

## **Compliance Reporting**

- A42. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- A43. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- A44. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.

- A45. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), 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.

**Evidence of consultation**

- A46. Where a condition of consent requires consultation with Council or any other public authority, evidence must be submitted to the Planning Secretary, prior to certification, demonstrating that consultation has been undertaken in accordance with that condition of consent.

## **PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **Design Amendments**

- B1. Prior to the issue of the construction certificate for Stage 1, the Applicant must:
- (a) submit an amended Landscape Staging Plan including the following information to the satisfaction of the Planning Secretary:
    - (i) proposed open space provision to be delivered at each construction stage of the development (including playing fields and covered learning areas); and
    - (ii) associated information to demonstrate that open space on the site is available at a minimum of 10 square metres per student at each construction stage of the development and would suitably cater for the proposed number of students at any time within the site, unless alternative open space locations are provided as required by condition A18.
  - (b) submit an amended site plan to the satisfaction of the Planning Secretary, which:
    - (i) indicates details of the entire retaining wall on the eastern boundary, including elevations and details of proposed materials so as to improve the aesthetics of the wall and to provide amenity to students and staff;
    - (ii) includes a minimum 0.3m wide planting bed (instead of the proposed 0.75m wide planting bed) along the eastern boundary of the site, for the entire length of the proposed fence; and
    - (iii) includes a minimum 2.0m wide planting bed at the base of the retaining wall on the eastern boundary with a dense screen of trees and shrubs to screen views of the wall.
  - (c) submit amended landscape plans, building floor plans and elevations (if applicable) consistent with the amendments in condition B1(b), to the satisfaction of the Planning Secretary.

### **External Walls and Cladding**

- B2. Prior to the issue of any relevant construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Stormwater Management System**

- B3. Prior to the issue of any construction certificate for Stage 1, hydraulic modelling for the entire site and covering all stages of construction, must be prepared by a suitably qualified hydraulic engineer in consultation with Council and must be submitted to the Planning Secretary for approval, demonstrating that:
- (a) the proposed stormwater management system in each stage of the development can achieve compliance with Council's Stormwater Management Policy 2017, compliance with Council's Flood Model and AS 3500.3;
  - (b) no downstream properties would be adversely impacted due to cumulative stormwater discharge from the site; and
  - (c) the post development discharge would not significantly increase when compared to the predevelopment discharge from the site.
- B4. Prior to the issue of the relevant construction certificates of each construction stage, the Applicant must design an operational stormwater management system for the development in that stage and submit it to the Certifier for approval and to Council for information. The system must:
- (a) be designed by a suitably qualified and experienced person(s);

- (b) be designed, for Stage 1, generally in accordance with the conceptual design in the EIS as listed below (unless amended by the hydraulic modelling details required by condition B3):

<b>Civil Works Plans Stage 01 prepared by Martens and Associates Pty Ltd</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
PS03-A050	E	Engineering Overview Plan	11/09/2018
PS04-E100	E	Drainage Plan	20/09/2018
PS04-E200	E	Drainage Details – Sheet 1	20/09/2018
PS04-E201	E	Drainage Details – Sheet 2	20/09/2018
PS04-E300	E	Drainage Longitudinal Sections – Sheet 1	20/09/2018
PS04-E301	E	Drainage Longitudinal Sections – Sheet 2	20/09/2018
PS04-E302	E	Drainage Pity Schedule – Sheet 2	20/09/2018

- (c) be designed, for all other stages beyond Stage 1, generally in accordance with the conceptual design in the EIS as listed below (unless amended by the hydraulic modelling details required by condition B3):

<b>Civil Works Plans Masterplan prepared by Martens and Associates Pty Ltd</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
PS03-A050	E	Engineering Overview Plan	11/09/2018
PS04-E100	E	Drainage Plan	11/09/2018
PS04-E200	D	Drainage Details – Sheet 1	11/09/2018
PS04-E201	D	Drainage Details – Sheet 2	11/09/2018
PS04-E300	D	Drainage Longitudinal Sections – Sheet 1	11/09/2018
PS04-E301	D	Drainage Longitudinal Sections – Sheet 2	11/09/2018
PS04-E302	D	Drainage Pity Schedule – Sheet 2	11/09/2018

- (d) be in accordance with applicable Australian Standards;
- (e) incorporate any additional management measures based on the recommendations of the hydraulic modelling required by condition B3, for each relevant stage;
- (f) include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels as relevant;
- (g) include details of flood management measures required to be integrated with the stormwater management system as identified in the Flood Assessment Report (condition B20);
- (h) include details of rainwater tanks, on-site detention tanks and stormwater quality treatment measures on the site in accordance with the recommendations in the *Stormwater Management Report (P1705798JR08V02)* prepared by Martens dated September 2018 and Council's On-Site Detention Handbook – February 1997 / Council's On-Site Detention Guidelines for Rural Areas;
- (i) ensure the on-site detention tanks restrict:
- the total discharge from the site to current site discharge for all storms up to and including the 100-year storm events;
  - the peak discharge from the site for 100 year 9-hour storm event to 140 litres/sec/hectare (for the urban zone only);
  - the peak discharge from the site for all storm durations to 78 litres/sec/hectare (for the rural zone only);

- (j) include a piped drainage system designed to an Average Recurrence Interval of not less than that in accordance with Council's Stormwater Management Policy 2017;
- (k) demonstrate that the stormwater from the site would be directed to the proposed OSD basins and discharged towards the creek via the proposed energy dissipater;
- (l) ensure that the system capacity has been designed in accordance with Council's Stormwater Management Policy 2017, Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines;
- (m) be designed to ensure that surface flows from upstream properties east of the site are collected and conveyed through the site in a satisfactory manner;
- (n) demonstrate that any subsoil drainage associated with the retaining wall along the eastern boundary would be wholly within the site;
- (o) demonstrate that the headwall / energy dissipater at the stormwater discharge points would be wholly within the boundaries of the site; and
- (p) demonstrate that the alterations to the natural surface contours would not impede or divert natural surface water runoff so as to cause a nuisance to adjoining downstream properties.

B5. Prior to the issue of the construction certificate for Stage 1, a plan showing the natural surface and finished surface and finished surface contours to Australian Height Datum must be submitted to the satisfaction of the Certifier. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regrading of the site. The finished surface levels must be generally consistent with the approved plans in condition A2.

#### **Stormwater works within Kosovich Place**

- B6. The Applicant must submit design plans for the stormwater management system within Kosovich Place along with the proposed kerb and guttering works on this road, unless an alternative treatment is required by the relevant department within Council. The design plans must:
- (a) be prepared by a suitably qualified hydraulic consultant;
  - (b) be approved by the Development Engineer within Council or any other relevant Council officer;
  - (c) be submitted to the Certifier for information supported by the necessary approvals from Council;
  - (d) include details of all pits and pipes in accordance with Council's civil works specifications (or any other relevant documents);
  - (e) include details of the discharge point for the on-street stormwater system; and
  - (f) include details of any drainage easements required through private properties (including Lot 2314 DP1133688) for draining the stormwater from Kosovich Place.

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

B7. Prior to the issue of any relevant construction certificate for the operational waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

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

- B8. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;



- (b) a minimum of 69 on-site car parking spaces (including the drop-off / pick-up spaces) are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
- (c) the swept path of the longest vehicle entering and exiting the site in association with the project, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2.

### **Landscape Plans**

- B9. Prior to the issue of the construction certificate for Stage 1, the Applicant must prepare an updated Landscape masterplan to the satisfaction of the Certifier. The plan must:
- (a) provide details demonstrating that the site will achieve 40% tree canopy cover across the site, unless prevented by the requirements of condition B9(h) or B9(i);
  - (b) provide details of the landscaping works in each stage of the development (aligning with the Landscape Staging Plan in condition B1);
  - (c) detail the location, species, maturity and height at maturity of plants to be planted on-site;
  - (d) include tree, shrub and groundcover species, ensuring that the majority of species are endemic to the local area;
  - (e) include the planting of trees with a pot container of 100 litres (l) or greater, with a minimum height at maturity of 10 metres (m);
  - (f) include Water Sensitive Urban Design (WSUD) principles throughout the landscape design to reduce stormwater runoff impacts;
  - (g) include the provision of street tree planting at Kosovich Place with the species determined in consultation with Council;
  - (h) comply with the requirements and provisions of the New South Wales Electricity Supply Act 1995; and
  - (i) comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2019 (or any updated version).

### **Public Domain Works**

- B10. Prior to the issue of any relevant construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the satisfaction of the Certifier.

**Note:** Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

- B11. Prior to the issue of any relevant construction certificate for footpath or public domain works in Stage 1, the Applicant must consult with Endeavour Energy and demonstrate to the satisfaction of the Certifier that the streetscape design and treatment meets the requirements of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

### **Roadworks and Access**

- B12. Prior to the issue of a construction certificate for Kosovich Place roadworks proposed in Stage 1, the Applicant must submit the design plans for approval by the relevant department of Council including (but not limited to):
- (a) details to demonstrate that Kosovich Place would have a final width of 7m up to the site's eastern frontage and then be widened to 10m at the cul-de-sac bulb end;
  - (b) details of a 1.5m wide path along the south-western verge of Kosovich Place for future pedestrian movement unless otherwise agreed with the relevant department within Council;
  - (c) details of kerb and guttering along the southern frontage of Kosovich Place, unless an alternate kerb treatment is agreed with the relevant department of Council;

- (d) details of all underground electrical, water and telephone services to be located within Kosovich Place and the evidence of approval from the relevant public authorities;
  - (e) details of any electrical, water and telephone services located at the Kosovich Place frontage that would require relocation as part of the design of the Kosovich Place frontage;
  - (f) cross-sections along the Kosovich Place frontage of the site showing the ultimate levels of Kosovich Place levels in relation to the site and the development;
  - (g) details of the Kosovich Place's drainage system, in case kerb and guttering is proposed;
  - (h) the location and design of the bus bays including the same pavement treatment as per Council's specifications;
  - (i) details to indicate bus zone for three buses instead of the four proposed buses; and
  - (j) street signage details along Kosovich Place, generally consistent with the Dwg No. 2018-106-02A dated 11/07/2018 within the *Traffic and Parking Impact Assessment Report* prepared by McLaren Engineering dated 4/09/2018, unless otherwise agreed with the relevant department of Council.
- B13. Prior to the issue of the construction certificate for the intersection upgrade works to Wallgrove Road and Kosovich Place intersection proposed in Stage 1 of the development, the Applicant must:
- (a) submit design plans for the intersection of Kosovich Place and Wallgrove Road to TfNSW and RMS for endorsement;
  - (b) submit plans that are generally in accordance with concept plans "*Figure 2 – Proposed Intersection Layout*" provided in the Supplementary Traffic Modelling prepared by McLaren Engineering dated 9/11/2020, unless alternate design is agreed with TfNSW, and include (but not limited to and altered as agreed with TfNSW):
    - (i) a 26.6 metre long auxiliary lane providing for the storage of vehicles waiting to turn right from Wallgrove Road into Kosovich Place;
    - (ii) a 100 metre long (including taper) auxiliary lane providing for the deceleration of vehicles turning left into Kosovich Place;
    - (iii) "No Right Turn" and "Left Only" signage, complemented by a concrete island, restricting right turns out of Kosovich Place on to Wallgrove Road;
    - (iv) details to demonstrate that all works within Wallgrove Road are restricted to the western side of its centre line;
    - (v) sight distance assessment to ensure that traffic exiting from Kosovich Place would not be blocked by traffic turning left into Kosovich Place;
    - (vi) swept path for 19 metre long construction vehicles accessing this intersection to ensure that appropriate turning areas are provided; and
    - (vii) additional mitigation / management measures, if compliance with condition B13(b)(iv) cannot be achieved.
- B14. Separate construction certificate application(s) under section 138 of the *Roads Act 1993* are required to be submitted to the relevant roads authority (Council or TfNSW where applicable) to obtain approval for all works within a public road reserve and for vehicular crossings. All vehicular crossings must be located a minimum of 1 metre from any utility pillar / pole.
- B15. Prior to the issue of any relevant construction certificate, the Applicant must submit design plans to the satisfaction of the Certifier which demonstrates that the proposed internal roads and driveways within the site:
- (a) comply with section 4.2.7 of Planning for Bush Fire Protection 2019; and
  - (b) are designed in accordance with Australian Standard AS 2890.1 and AS2890.2, as needed part 2.

### Operational Noise

- B16. Prior to the issue of the construction certificate for Stage 1, the Applicant must update the *Saints Peter and Paul Assyrian Primary School SSDA Noise Assessment v5.0*, prepared by SLR

Consulting dated March 2020 and submit for approval by the Planning Secretary, including an assessment of the impacts of the development on the adjoining Saints Peter and Paul Parish Church (Church). The updated assessment must establish project noise trigger levels, considering:

- (a) the Church as a sensitive receiver and the potential noise impact of the operation of the school on the Church (including quiet weekday activities such as funerals);
- (b) the impacts of any noisy activities within the Church on a weekday, on the operation of the school;
- (c) impacts of after-hours use of the school and the school traffic on any evening activities within the Church;
- (d) impacts of the use of the outdoor playing fields on Saturdays and evenings (if any);
- (e) impacts of the bus drop-off / pick-up on Kosovich Place;
- (f) assessment of effluent pump out within those hours intended to undertake collection; and
- (g) assessment of the noise impact during drop-off / pick-up with cumulative effect of doors slamming, engines idling, people talking, engine during take-off, vehicle pass by coupled with bus drop-off / pick-up on the Church activities.

B17. Should the noise generated by the school exceed the established project noise trigger levels in the *Saints Peter and Paul Assyrian Primary School SSDA Noise Assessment v5.0*, prepared by SLR Consulting dated March 2020 as updated by condition B16, additional noise attenuation, mitigation and management strategies must be provided to manage the noise exceedances from the site. These measures must be incorporated in the design plans and provided to the satisfaction of the Certifier (where relevant).

B18. Prior to the issue of any relevant construction certificate the detailed design plans must ensure, to the satisfaction of the Certifier, that the following have been incorporated in accordance with the recommendations with *Saints Peter and Paul Assyrian Primary School SSDA Noise Assessment v5.0*, dated March 2020 (as updated by condition B16):

- (a) noise mitigation measures for the design of mechanical plant and equipment;
- (b) the acoustic treatments for the general learning areas, to achieve the required noise reduction internally in these areas;
- (c) the construction standards for the multi-purpose hall, to achieve the required sound insulation of 16 dBA; and
- (d) any other design related noise mitigation measure to ensure that the operational noise limits for the site are maintained at all times during operation of the school.

### **Flood Management**

B19. Prior to the issue of a construction certificate for each relevant construction stage, the design plans must demonstrate that all structures within the site (above ground level) and internal roads are at or above the Probable Maximum Flood (PMF) level.

B20. Prior to the issue of the construction certificate for Stage 1 of the development, the Applicant must prepare an updated Flood Impact Assessment Report in consultation with Council's Catchment Management Branch and submit the information to the satisfaction of the Certifier. The report must:

- (a) be generally consistent with the *Flood Management Assessment* - prepared by Martens Consulting Engineers dated October 2018, unless amended by the conditions of this consent;
- (b) include 100-year average recurrence interval (ARI) flood contours superimposed on the playing field areas within Lot 2321 in DP 1223137;
- (c) include existing and proposed spot levels within the area of the proposed playing fields to show any changes proposed to the ground levels due to the proposed earthworks;
- (d) categorise the playing fields for the school as Sensitive Uses and Facilities and address the relevant development controls within Clause 11.8.2 (Chapter 11 – Flood Risk Management) of *Fairfield Development Control Plan 2013*;

- (e) assess the impacts and changes to the flood behaviour (if any) considering the playing fields and any outdoor recreation areas as a sensitive use; and
  - (f) include additional flood management and mitigation measures required in this area and over the overall site (where relevant).
- B21. If the site requires any changes to existing ground levels within Lot 2321 in DP 1223137, the Flood Impact Assessment Report, required by condition B20 must include additional flood impact assessment based on Council's Stormwater Management Policy 2017, Councils Flood Model and AS 3500.3 to demonstrate that the proposed changes does not adversely affect the downstream neighbouring properties.
- B22. The flood model referred to in condition B21 must be obtained from Council's Catchment Planning Branch with the necessary agreements from the relevant Council branch.
- B23. A suitably qualified consultant must undertake a peer-review of the Flood Impact Assessment Report required by condition B20 and certify to the satisfaction of the Planning Secretary, that:
- (a) the flood impact assessment has been undertaken in accordance with the conditions of this development consent;
  - (b) the location and finished field height of the playing field area would not be impacted by flooding risks; and
  - (c) appropriate flood mitigation and management measures are provided, if any risks are identified due to flooding in the areas identified as playing fields.

### **Wastewater Management System**

- B24. Prior to the issue of the construction certificate for Stage 1 of the proposed development on the site, a suitably qualified independent consultant must:
- (a) undertake a peer review of the *Wastewater Assessment Report* (P1705798JR05V03) prepared by Martens dated September 2018 to certify that:
    - (i) the proposed on-site waste management measures are satisfactory for each construction stage of the development;
    - (ii) the proposed waste management measures, including tank capacity and the maximum occupancy rates are acceptable;
    - (iii) the land application areas are located above the 1 in 20-year flood contour and the treatment system is above the 1 in 100-year flood contour, including all electrical components, vents and inspection openings;
    - (iv) the system is not designed or constructed such that wastewater can be directly discharged into flood water either through inundation of the system or seepage through the irrigation system; and
    - (v) the proposed system is suitable to cater for the proposed number of students and staff in each construction stage (or any stage when student / staff numbers are proposed).
  - (b) undertake a peer review of the concept Wastewater Management Plans submitted with the Civil Works Masterplan and Civil Works Stage 1 prepared by Martens and included in the EIS.
- B25. Prior to the issue of the construction certificate for Stage 1, the Applicant must:
- (a) prepare an updated Wastewater Assessment Report incorporating additional management / mitigation measures or refinements to the design of the system in accordance with the recommendations of the peer review report (where relevant) in condition B24;
  - (b) submit a copy of the peer review report and the updated Wastewater Assessment Report to the Planning Secretary for approval, prior to the issue of the construction certificate of Stage 1 and submit a copy of the approved report to the Certifier for information.
- B26. Prior to the issue of the construction certificate for Stage 1, detailed design plans for the on-site wastewater management system (including the tank and the pump-out system) in accordance

with the recommendations of *Wastewater Assessment Report* (P1705798JR05V03) prepared by Martens dated September 2018 as updated by condition B25 (where relevant) and the concept wastewater management plans submitted with the EIS, must be submitted to the satisfaction of the Certifier.

- B27. Prior to the issue of the construction certificate for any other Stage beyond Stage 1, that would accommodate more than 210 students and 12 full time equivalent staff members, detailed design plans for the on-site wastewater management system including the sewerage treatment plant (STP), effluent disposal area and sub-surface irrigation measures in accordance with the recommendations of *Wastewater Assessment Report* (P1705798JR05V03) prepared by Martens dated September 2018 as updated by condition B25 (where relevant) and the concept Wastewater Management Plans submitted with the EIS, must be submitted to the satisfaction of the Certifier.

#### **Amended Riparian Vegetation Management Plan**

- B28. Prior to the issue of the construction certificate for any stage beyond Stage 1, an amended Riparian Vegetation Management Plan must be submitted to the satisfaction of the Planning Secretary. The amended Riparian Vegetation Management Plan must:
- (a) be prepared in consultation with the Department's Environment, Energy and Science Group (EES Group);
  - (b) be generally consistent with the *Riparian Vegetation Management Plan* prepared by Molino Stewart Pty Ltd dated September 2018;
  - (c) include a copy of the revised site survey to confirm the location and associated 40m wide riparian corridor of the unnamed watercourse on the western boundary of the site (condition B32);
  - (d) include details of the location, plant species and densities to be planted in the riparian corridor;
  - (e) include an expanded list of locally occurring native tree, shrub and groundcover species characteristic of River-Flat Eucalypt Forest;
  - (f) include the provision of nest boxes suitable to native fauna likely to use the site; and
  - (g) comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2019 (or any updated version).

#### **Geotechnical recommendations and flood management measures**

- B29. The construction certificate plans for the relevant construction stages must demonstrate that the recommendations in the Preliminary Geotechnical and Salinity Assessment and Pavement Thickness Design prepared by Martens Consulting Engineering dated August 2018 have been incorporated in the detailed design.
- B30. The construction certificate plans for the relevant construction stages must demonstrate that all design related flood management measures (such as structural details, freeboards etc.) recommended in the Floor Assessment Report required by condition 20 (as updated by the conditions of this consent) have been incorporated in the design plans.
- B31. The details required in conditions B29 and B30 must be submitted to the satisfaction of the Certifier.

#### **Site Survey**

- B32. Prior to the issue of the relevant construction certificate for the construction stage which involves riparian corridor works, a revised site survey must be prepared in consultation with an appropriately qualified environmental consultant and submitted to the satisfaction of the Certifier identifying:
- (a) the entire 20m wide watercourse vegetated riparian zone; and
  - (b) the 40m wide waterfront land from the top bank.

## **PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction at least 48 hours before those dates.
- C2. If the construction of the development is to be staged, the Planning Secretary 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**

- C3. Prior to the commencement of construction of a relevant construction stage, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **Protection of Public Infrastructure**

- C4. Prior to the commencement of construction of a relevant construction stage, the Applicant must:
  - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

### **Pre-Construction Dilapidation Report**

- C5. Prior to the commencement of construction of Stage 1, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

### **Development Contributions**

- C6. Prior to the commencement of construction of Stage 1, a payment of a levy of 1% of the proposed cost of carrying out the development, being \$274,350.00 must be paid to Council under section 7.12 of the EP&A Act.

### **Community Communication Strategy**

- C7. No later than two weeks before the commencement of construction of Stage 1, a Community Communication Strategy must be submitted to the Planning Secretary for approval. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 5 years following the completion of construction of all stages of the development.
- C8. 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, feedback or complaints from the community; and

- (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation;
- (e) be updated as relevant prior to each construction stage; and
- (f) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, and contamination.

### Environmental Management Plan Requirements

- C9. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

**Note:** The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

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

### Construction Environmental Management Plan

- C10. Prior to the commencement of construction of Stage 1, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must be consistent with the *Preliminary Construction Environmental Management Plan* prepared by Molino Stewart dated October 2018 and 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) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by condition C7; and
    - (viii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations.
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C12);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition C13);
  - (d) Construction Soil and Water Management Sub-Plan (see condition C14);
  - (e) Flood Emergency Response Sub-Plan (see condition C15);
  - (f) an unexpected finds protocol for contamination and associated communications procedure;
  - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage including protocol for human remains and associated communications procedure; and
  - (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in the developed areas of the site.
- C11. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary. The CEMP must be updated at each subsequent stage of the development and be approved by the Certifier prior to the commencement of construction for that stage.
- C12. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);

- (b) be prepared in consultation with Council and TfNSW (RMS);
  - (c) include the recommendations for construction traffic management as provided in the *Traffic and Parking Impact Assessment of Saints Peter and Paul Assyrian Primary School at 17 - 19 Kosovich Place, Cecil Park* prepared by McLaren Traffic Engineering dated 4 September 2018;
  - (d) 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;
  - (e) include details of swept path of 19m long construction vehicles accessing the site from the Wallgrove Road / Kosovich Place intersection; and
  - (f) detail heavy vehicle routes, access and parking arrangements.
- C13. 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) include the details of the established noise management levels for the site at the sensitive receivers (including the Church) as identified in *Saints Peter and Paul Assyrian Primary School SSDA Noise Assessment v5.0*, prepared by SLR Consulting dated March 2020 (updated by condition B16);
  - (c) include the recommendations for construction noise and vibration management as provided in the *Saints Peter and Paul Assyrian Primary School SSDA Noise Assessment v5.0*, prepared by SLR Consulting dated March 2020 (updated by condition B16) to ensure that the established noise management levels for the site are maintained;
  - (d) describe the measures to be implemented to mitigate and manage high noise generating works such as piling, and other noisy activities that exceed the established noise management levels, in close proximity to sensitive receivers;
  - (e) include strategies that have been developed with the community for managing high noise generating works;
  - (f) include strategies to manage noise impacts on the students during on-going construction activities within the site in the stages beyond Stage 1;
  - (g) describe the community consultation undertaken to develop the strategies in condition C13(e);
  - (h) include a complaints management system that would be implemented for the duration of the construction; and
  - (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures.
- C14. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book' and consistent with the concept Sediment and Erosion Control Plans submitted with the EIS;
  - (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 5-year ARI and 1 in 100-year ARI.
- C15. The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:



- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be consistent with the relevant recommendations within the updated Flood Impact Assessment Report in condition B20 and the requirements of Fairfield Development Control Plan 2013;
  - (c) address the provisions of the Floodplain Risk Management Guidelines (EES Group);
  - (d) include details of:
    - (i) the flood emergency responses for both construction and operation phases 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, and students.
- C16. Prior to the commencement of construction of any relevant construction stage, the Applicant must prepare and implement the recommendations of the FERSP.
- C17. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

#### **Soil and Water**

- C18. Prior to the commencement of construction of any relevant construction stage, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

#### **Construction Parking**

- C19. Prior to the commencement of construction of any relevant construction stage, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

#### **Outdoor Lighting**

- C20. Prior to the installation of outdoor lighting for any relevant construction stage, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

#### **Ecologically Sustainable Development (ESD)**

- C21. Prior to the commencement of construction of Stage 1, or another alternative timeframe agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

#### **Site Contamination**

- C22. Prior to the commencement of any construction works, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

## Site Contamination and remediation

- C23. Prior to the commencement of construction for Stage 1 of the development, the Applicant must undertake and complete remediation of the relevant parts of the site affected by the Stage 1 works in accordance with *Remedial Action Plan: Lots 2320 and 2321 DP 1223137, 17 and 19 Kosovich Place, Cecil Park, NSW* prepared by Martens Consulting Engineers dated August 2018 and any variations approved by the conditions of this consent (where relevant).
- C24. Prior to the commencement of construction within Lot 2321 in DP 1223137 (including any works beyond Stage 1 of the development), the Applicant must:
- (a) undertake and complete remediation works within this allotment in accordance with the *Remedial Action Plan: Lots 2320 and 2321 DP 1223137, 17 and 19 Kosovich Place, Cecil Park, NSW* prepared by Martens Consulting Engineers dated August 2018 including any variations approved by conditions of this development consent; and
  - (b) conduct all remediation works within the identified 40m waterfront land (condition B32) in accordance with the NSW Department of Industries Water 2012 guidelines.
- C25. Prior to commencement of construction within Lot 2321 in DP 1223137, the Applicant must submit a Validation Report to the satisfaction of the Certifier. The Validation Report must:
- (a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
  - (b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
  - (c) include, but not be limited to:
    - (i) comment on the extent and nature of the remediation undertaken;
    - (ii) if material has remained in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
    - (iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
    - (iv) if treated material is to remain on the subject site, results of sampling of treated material, compared with the treatment criteria in the most updated RAP;
    - (v) results of any validation sampling, compared to relevant guidelines/criteria;
    - (vi) comment on the suitability of the area for the intended land use; and
  - (d) be submitted to the Planning Secretary for information.
- C26. Prior to commencement of construction within Lot 2321 in DP 1223137 (which includes any works beyond Stage 1), the appointed Site Auditor must provide an interim Site Audit Statement confirming the suitability of this allotment for the proposed future use as a school.

## Flood management works

- C27. Prior to the commencement of construction within Lot 2321 DP 1223137, all relevant flood management works as required by the updated Flood Impact Assessment Report (condition B20), must be completed and satisfactory evidence provided to the Certifier.

## Toilet facilities

- C28. Prior to the commencement of construction on site, a flushing toilet facility is to be provided on site to service construction workers. The toilet must be connected to either an accredited sewage management facility or an alternative sewage management facility (chemical closet). The location of the toilet facilities and the proposed sewerage management measures must be endorsed by Council and provided to the Certifier for information, prior to any works commencing.

**Water licence**

C29. Prior to commencement of any construction, where water take may occur from surface water or groundwater sources (if any) a Water Access Licence must be obtained from the relevant public authority.

**Removal of the carpark on Lot 2321**

C30. Prior to the commencement of construction of Stage 1, the constructed carpark on Lot 2321 must be removed by the Applicant and suitable evidence provided to the Certifier.

## PART D DURING CONSTRUCTION

### Site Notice

- D1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Site Contamination and Remediation

- D2. Within three months of commencement of the construction works for Stage 1, the Applicant must conduct site investigations to confirm the full nature and extent of the contamination within Lot 2321 in DP 1223137. The site investigations must:
- (a) be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the Environmental Protection Authority (EPA) under section 105 of the *Contaminated Land Management Act 1997*; and
  - (b) must include the data gap closure in accordance with the recommendations of the *Remedial Action Plan: Lots 2320 and 2321 DP 1223137, 17 and 19 Kosovich Place, Cecil Park, NSW* prepared by Martens dated August 2018.
- D3. The Applicant must submit a revised Site Investigation Report to the satisfaction of the Planning Secretary including results of the additional investigations in condition D2 and the recommendations of the *Remedial Action Plan: Lots 2320 and 2321 DP 1223137, 17 and 19 Kosovich Place, Cecil Park, NSW* prepared by Martens Consulting Engineers dated August 2018. The revised Site Investigation Report must:
- (a) include a revised sampling strategy, consistent with the NSW EPA Sampling Design Guidelines;
  - (b) include a site-specific sampling strategy, including differing depths at each sample location to provide lateral and vertical site characterisation of the potentially contaminated area; and
  - (c) demonstrate that the data gaps identified in the *Remedial Action Plan: Lots 2320 and 2321 DP 1223137, 17 and 19 Kosovich Place, Cecil Park, NSW* prepared by Martens Consulting Engineers dated August 2018 have been closed.
- D4. The report must be reviewed and approved by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
- D5. The *Remedial Action Plan: Lots 2320 and 2321 DP 1223137, 17 and 19 Kosovich Place, Cecil Park, NSW* prepared by Martens Consulting Engineers dated August 2018 and the unexpected finds procedure must be updated to reflect the results of the revised Site Investigation Report required by condition D2 and be certified by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

- D6. The revised Site Investigation Report, reviewers report (required by condition D4) and the Remedial Action Plan (including the review required by condition D5) must be submitted to the satisfaction of the Planning Secretary, within 3 months of completion of the site investigations, unless an alternate timing is agreed with the Planning Secretary.

### **Intersection and Road Works**

- D7. Within four months of commencement of construction of Stage 1, the Applicant must submit, to the satisfaction of the Planning Secretary:
- (a) the finalised detailed design for the intersection upgrade works on the Kosovich Place and Wallgrove Road intersection and evidence of endorsement by TfNSW (NSW);
  - (b) the final design plans for Kosovich Place widening along with the required public infrastructure and evidence of endorsement by all relevant public authorities; and
  - (c) the final design drainage plans showing that the Kosovich Place can be drained with no impacts on any downstream private properties and that where required, appropriate easements will be created, with evidence of endorsement from Council.

### **Operation of Plant and Equipment**

- D8. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Construction Hours**

- D9. 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.
- D10. Construction activities may be undertaken outside of the hours in condition D9 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D11. Notification of such construction activities as referenced in condition D10 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D12. Rock breaking, rock hammering, sheet piling, pile driving and similar noisy 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**

- D13. 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**

- D14. All construction vehicles must be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

### **Hoarding Requirements**

- D15. The following hoarding requirements must be complied with:

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

### **No Obstruction of Public Way**

D16. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### **Construction Noise Limits**

- D17. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) and the CNVMSP. All feasible and reasonable noise mitigation measures outlined in the CNVMSP must be implemented on the site.
- D18. 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 D9.
- D19. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

### **Vibration Criteria**

- D20. 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).
- D21. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D20.
- D22. The limits in conditions D20 and D21 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C10 of this consent.

### **Tree Protection**

- D23. For the duration of the construction works:
- (a) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Riparian Vegetation Management Plan*, prepared by Molino Stewart, dated September 2018 as updated by condition B28;
  - (b) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist; and
  - (c) alternative tree protection measures must be installed, as required.
- D24. 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.

### **Vegetation Management Plan**

- D25. Within one month of commencement of construction within Lot 2321 DP 1223137, the Applicant must commence revegetation of the riparian corridor in accordance with the submitted *Riparian Vegetation Management Plan*, prepared by Molino Stewart, dated September 2018 as updated by the condition B28. Satisfactory evidence must be provided to the Certifier to demonstrate that the works have commenced on the site, within two weeks of commencement.

## **Air Quality**

- D26. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D27. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternate methods;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## **Erosion and Sediment Control**

- D28. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

## **Imported Soil**

- D29. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Certifier upon request.

## **Disposal of Seepage and Stormwater**

- D30. Adequate provisions must be made to collect and discharge stormwater drainage during construction, to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

## **Emergency Management**

- D31. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

## **Unexpected Finds Protocol – Aboriginal Heritage**

- D32. In the event that surface disturbance identifies new Aboriginal object or human remains, 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 EES Group 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 EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

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

- D33. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage NSW.

## **Waste Storage and Processing**

- D34. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

- D35. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D36. 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.
- D37. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D38. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### **Outdoor Lighting**

- D39. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Independent Environmental Audit**

- D40. 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.
- D41. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D42. 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 or timing upon which the audit must be commenced.
- D43. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under condition D40 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- D44. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- D45. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.



## **PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- E1. At least one month before the issue of the relevant occupation certificate, the date of occupation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one 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**

- E2. Prior to the issue of the relevant occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Post-construction Dilapidation Report**

- E4. Prior to the issue of the relevant occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report, as required by condition C5; and
    - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) to be forwarded to Council for information.

### **Protection of Public Infrastructure**

- E5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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

### **Protection of Property**

- E6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### **Utilities and Services**

- E7. Prior to the issue of the relevant occupation certificate, the Applicant must obtain a Compliance Certificate for water infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### **Roadworks, Access and Intersection Upgrade**

- E8. Prior to the issue of an occupation certificate for Stage 1, the Applicant must:
- (a) complete the intersection upgrade works on Kosovich Place and Wallgrove Road generally in accordance with the design plans specified in condition B13 and as endorsed by Council and / or TfNSW (RMS);

- (b) provide a Traffic Management Plan to TfNSW for endorsement along with the application for “No Right Turn” on Kosovich Place;
- (c) obtain necessary endorsements from TfNSW and Fairfield City Council Local Traffic Committee, to implement the “No Right Turn” and “Left Only” restrictions on Kosovich Place;
- (d) complete the roadworks to Kosovich Place including road widening, footpath, drainage, street lights and other infrastructure upgrades generally in accordance with the design plans approved by Council per condition B12;
- (e) provide the bus bays on Kosovich Place frontage in accordance with the design plans approved by Council and as required by the conditions of this consent;
- (f) install electricity infrastructure as endorsed by the relevant public authority;
- (g) install all of the parking restrictions generally consistent with the concept plan Drg No. 2018-106-02A dated 11/07/2018 within the *Traffic and Parking Impact Assessment Report* prepared by McLaren Engineering dated 4/09/2018, unless otherwise agreed with Council;
- (h) construct and obtain approval for the works under section 138 of the *Roads Act 1993* from the relevant authorities (Council and / or TfNSW, as relevant);
- (i) demonstrate that the footway adjacent to the development has been regraded topsoiled and turfed in accordance with the approved levels;
- (j) demonstrate that all redundant kerb laybacks have been removed and replaced with Council’s standard kerb and gutter;
- (k) demonstrate that any redundant crossings have been removed and the footpath topsoiled and turfed;
- (l) demonstrate all works on adjacent lands under the control of Council have been undertaken in accordance with the standard requirements and specifications of Council; and
- (m) obtain necessary endorsements from Fairfield City Council Local Traffic Committee, where needed, for works within Kosovich Place.

### **Works as Executed Plans**

- E9. Prior to the issue of the relevant occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.
- E10. The works-as-executed plans must detail:
- (a) sufficient levels and dimensions to verify the on-site detention storage volumes;
  - (b) location and surface levels of all drainage pits, weir levels and dimensions;
  - (c) invert levels of the internal drainage lines, orifice plates and outlet control pit.
  - (d) finished floor levels of structures such as units and garages;
  - (e) verification that the orifice plates have been fitted and the diameter of the fitted plates;
  - (f) verification that a trash screen is installed;
  - (g) location and levels of any overland flow paths through the site; and
  - (h) details of any variations made from approved plans.

### **Easements**

- E11. If stormwater from Kosovich Place is proposed to drain through private property (including lot 2314 DP1133688), an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, and which provides for rights to drain stormwater through the property must be registered on title of the relevant allotment.

- E12. Prior to the issue of the relevant occupation certificate, proof of the creation of a 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system under section 88E of the *Conveyancing Act 1919* naming Council as the prescribed authority, in accordance with Council's Stormwater Management Policy 2017, must be submitted to the satisfaction of the Certifier.

### **Green Travel Plan**

- E13. Prior to the issue of the occupation certificate of any other stage beyond Stage 1 or increase in students beyond 210, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with TfNSW;
  - (b) include objectives and mode share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include provisions for shuttle bus / school bus service to compensate for lack of public transport in the locality and ensure that the recommended mode share targets are complied with;
  - (e) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (f) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
- E14. Preparation of the Green Travel Plan must be informed by independent traffic and parking surveys undertaken by an independent traffic consultant. The independent traffic consultant must be appointed by the Applicant prior to the completion of Stage 1 and evidence of this appointment provided to the Planning Secretary within one month of the appointment.
- E15. The independent traffic and parking surveys required by condition E14 must occur during the preceding school terms (including the previous operational school term) during morning and afternoon peak drop-off / pick-up periods and include periods of no less than 3 weeks, where weekend use of the oval occurs.

### **Operational Transport, and Pedestrian Management Plan (OTPMP)**

- E16. Prior to the issue of the occupation certificate for Stage 1, an OTPMP must be prepared by a suitably qualified person, in consultation with Council, and submitted to the satisfaction of the Certifier, with a copy submitted to Council for information. The OTPMP 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 provision of staggered drop-off / pick-up times;
  - (d) the location and operational management procedures of the drop-off / pick-up parking located within the project site, including staggered finish times, staff management/traffic controller arrangements;
  - (e) the operational procedures such as holding children within the school until the respective parents arrive, to avoid queuing;
  - (f) the location and operational management procedures for the drop-off / pick-up of students by buses and coaches for student drop-off / pick-up, excursions and sporting

- activities during the hours of bus lane operations along Kosovich Place, including staff management/traffic controller arrangements;
- (g) the provision of shuttle bus services for stages beyond Stage 1 or student numbers beyond 210 (whichever occurs first) to compensate for any lack of public transport services in the locality;
- (h) delivery and services vehicle and bus access and management arrangements;
- (i) management of approved access arrangements;
- (j) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off / pick-up parking in the project site;
- (k) car parking arrangements and management associated with attendance at school by parents and persons associated with student attending school functions to ensure no parking occurs within Kosovich Place; and
- (l) car parking arrangements and management associated with the proposed use of school facilities by community members outside school hours to ensure no parking occurs within Kosovich Place; and
- (m) a monitoring and review program.

### **Evacuation and Emergency Planning**

- E17. Prior to the issue of the occupation certificate for Stage 1, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December 2014 and be submitted to the satisfaction of the Certifier, with a copy provided to Council for information.

### **School Zones**

- E18. Prior to the issue of the commencement of operation of Stage 1, all required School Zone signage, speed management signage and associated pavement markings along Kosovich Place must be installed, inspected by TfNSW (RMS) and handed over to TfNSW (RMS).

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

- E19. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

### **Mechanical Ventilation**

- E20. Prior to the issue of any relevant occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

### **Operational Noise**

- E21. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *Saints Peter and Paul Assyrian Primary School SSDA Noise Assessment v5.0*, prepared by SLR Consulting and dated March 2020 (as updated by condition B16) have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the environmental noise assessment.
- E22. Prior to the issue of any relevant occupation certificate, a certified Acoustic Consultant must certify to the satisfaction of the Certifier that:
- (a) all acoustic treatments within the buildings *Saints Peter and Paul Assyrian Primary School SSDA Noise Assessment v5.0*, prepared by SLR Consulting and dated March 2020 (as updated by condition B16) have been implemented; and

- (b) any additional attenuation measures required by the updated Noise Assessment Report (condition B16) have been implemented to restore the amenity of the adjacent Church (if relevant).

#### **Car Parking and Service Vehicles Arrangements**

- E23. Prior to the issue of any relevant occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car-parking and service vehicle areas comply with condition B8;
  - (b) appropriate pedestrian and cyclist advisory signs have been provided, where applicable; and
  - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority.

#### **Road Damage**

- E24. Prior to the issue of any relevant occupation certificate, the cost of repairing any damage caused to Council or other relevant public authority assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

#### **Road Safety Audit**

- E25. Prior to the commencement of occupation of Stage 1, a Road Safety Audit (RSA) must be conducted on the internal pedestrian crossing within the site's drop-off / pick-up area. The RSA must be undertaken in accordance with NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit.
- E26. The results of the RSA and the relevant recommendations, including any measures to improve road safety must be submitted to the Certifier for information within one month of undertaking the audit.
- E27. Based on the recommendations of the RSA, appropriate road safety measures and/or traffic management measures must be implemented on the adjoining roads, in consultation with Council, within 3 months of the RSA and evidence submitted to the satisfaction of the Certifier.

#### **Fire Safety Certification**

- E28. Prior to the issue of a relevant occupation certificate, 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 Council and the Certifier for information. The Fire Safety Certificate must be prominently displayed in the building.

#### **Structural Inspection Certificate**

- E29. Prior to the issue of any relevant occupation certificate for the relevant parts of any new building, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the Planning Secretary and Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **Compliance with Food Code**

- E30. Prior to the issue of any relevant occupation certificate, the Applicant must obtain a certificate from a suitably qualified tradesperson certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

## Stormwater Quality Management Plan

- E31. Prior to the issue of any relevant occupation certificate, an Operation and Maintenance Plan must be submitted to the satisfaction of the Certifier along with evidence of compliance with the plan. The plan must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

## Wastewater Management System

- E32. Prior to the issue of any occupation certificate for Stage 1 of the proposed development, the Applicant must provide the Certifier with documented evidence that:
- (a) the proposed wastewater management system (including the on-site septic tank and the pump-out system) has been installed on site with capacities and design in accordance with the *Wastewater Assessment Report* (P1705798JR05V03) prepared by Martens dated September 2018 as updated by condition B25 (where relevant) and the approved design plans;
  - (b) the design is consistent with the design plans in condition B26; and
  - (c) an approval under section 68 of the *NSW Local Government Act 1993* has been obtained.
- E33. Prior to the issue of the occupation certificate for Stage 1, the Applicant must prepare a wastewater maintenance and monitoring plan for the pump-out system in accordance with the recommendations of the *Wastewater Assessment Report* (P1705798JR05V03) prepared by Martens dated September 2018 as updated by condition B25 (where relevant) and submit it to the satisfaction of the Certifier.
- E34. Prior to the issue of the occupation certificate for any construction stage, which would accommodate more than 210 students and 12 full time equivalent staff members, or prior to the increase in the student numbers beyond 210 in any stage (whichever occurs first), the Applicant must provide documentary evidence to the satisfaction of the Certifier demonstrating that:
- (a) the STP has been installed and commissioned on the site in accordance with the recommendations of the *Wastewater Assessment Report* (P1705798JR05V03) prepared by Martens dated September 2018 as updated by condition B25 (where relevant) and the approved design plans;
  - (b) all effluent management / reuse and associated measures including the sub-surface irrigation have been completely constructed, installed and commissioned and the pump-out system for Stage 1 decommissioned; and
  - (c) an approval under section 68 of the *NSW Local Government Act 1993* has been obtained from the relevant authority.
- E35. Prior to the commissioning of the STP and the associated system, the Applicant must prepare a wastewater maintenance and long-term monitoring plan in accordance with the *Wastewater Assessment Report* (P1705798JR05V03) prepared by Martens dated September 2018 as updated by condition B25 (where relevant) and submit it to the satisfaction of the Certifier.

## Warm Water Systems and Cooling Systems

- E36. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

## Outdoor Lighting

- E37. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting

associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Signage**

E38. Prior to the issue of the occupation certificate of a relevant stage, way-finding signage and signage identifying the location of staff car parking must be installed.

### **Operational Waste Management Plan**

E39. Prior to the commencement of operation of a relevant stage, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in EIS and RtS.

### **Site Contamination**

E40. Prior to the issue of the occupation certificate for Stage 1, a NSW EPA-accredited Site Auditor must confirm that the relevant parts of the site have been suitably remediated and validated, by the issuance of Interim Audit Advice(s).

E41. If remediation work within Lot 2321 DP 1223137 is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s), prior to the issue of occupation certificate for that stage.

E42. Prior to the commencement of operation of the proposed uses within Lot 2321 DP 1223137, a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan must be prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan, to the Planning Secretary and the Certifier for information.

### **Landscaping and Open Space**

E43. Prior to the issue of the occupation certificate for Stage 1, the Applicant must demonstrate to the Certifier that landscaping of the site has been completed in accordance with landscape plan(s) approved under condition B1 and B9.

E44. If suitable open space within the site cannot be provided in any construction stage, in accordance with condition B1, then the Applicant must provide satisfactory evidence to the Certifier demonstrating that the students can access off-site open spaces for sporting activities and that suitable transportation and agreement with any relevant public authorities have been obtained to enable such use.

E45. Prior to the issue of the occupation certificate for Stage 1, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site (except the riparian zone), to the satisfaction of the Certifier. The plan must:

- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping (except the riparian zone); and
- (b) be consistent with the Applicant's Management and Mitigation Measures at Section I of the EIS and Part G of the RtS.

- E46. The Applicant must update the Operational Landscape Management Plan prior to the commencement of operation of each stage and not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

#### **Asset Protection Zone**

- E47. Prior to the issue of the occupation certificate for Stage 1 the entire property must be managed as an inner protection zone (IPA) as outlined within section 4.1.3 and Appendix 5 of the Planning for Bush Fire Protection 2019 (or any updated version) and the NSW RFS document Standards for Asset Protection Zones.

#### **Operational Flood Emergency Management Plan**

- E48. Prior to the issue of an occupation certificate for Stage 1, a Flood Emergency Management Plan must be submitted to the satisfaction of the Certifier, with a copy provided to Council for information, that:
- (a) has been prepared by a suitably qualified and experienced person(s);
  - (b) is consistent with any recommendations within the updated Flood Impact Assessment Report required by condition B20;
  - (c) addresses the provisions of the *Floodplain Risk Management Guidelines* (EES Group);
  - (d) includes details of:
    - (i) the flood emergency responses for operational 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
  - (e) awareness training for employees and contractors, and visitors.
- E49. The Flood Emergency Management Plan must be updated with each stage of the development where works are proposed within Lot 2321 DP 1223137.

#### **Operational Management Plan**

- E50. Prior to the commencement of operation of Stage 1, the Applicant must prepare an Operational Management Plan (OMP) in consultation with Council. The OMP must include:
- (a) details confirming the operating hours of the site, including confirmation that the core operating hours are 8.30am to 3:30pm, Monday to Friday;
  - (b) details confirming the operating hours of the out-of-hours school (OOSH) care;
  - (c) the open space provided for the site at each stage complies with the landscape plans approved by condition B1;
  - (d) an open space management sub-plan with details of the use of the open space by the students at each stage and ensures student comfort and safety during use of the open space areas;
  - (e) operational management measures to ensure that the outdoor open play areas are occupied no more than two hours on a typical school day (in accordance with the recommendations of the noise assessment);
  - (f) measures to ensure all way-finding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
  - (g) include measures to manage operational noise impacts, particularly from outdoor playground and recreational areas, to ensure the use of the development does not result in exceedances of the project noise trigger levels in accordance with the report titled in the *Saints Peter and Paul Assyrian Primary School SSDA Noise Assessment v5.0*, prepared by SLR Consulting and dated March 2020 as updated by the conditions of this consent;
  - (h) details confirming that powered equipment (such as lawn mowers) and waste collections vehicles would not use the site on the weekends;



- (i) details confirming the proposed community usage profile of the site including out of hours use and weekend use;
- (j) details confirming any arrangements / agreements to enable the Church staff and parishioners to access the school's on-site parking area outside of school hours and the relevant security measures to ensure security of the school premises; and
- (k) details confirming any arrangements / agreements to enable the school staff and family members or carers of students to access the Church's on-site parking area during special events at the school where over-flow parking is anticipated (including the proposed notification process to relevant persons) and the relevant security measures to ensure security of the Church premises.

E51. The OMP must be submitted to the Planning Secretary for approval and a copy submitted to Council for information. The OMP must be updated prior to the completion of each development stage identified in the Staging Report required by condition A13 and be submitted to the Planning Secretary for approval.

#### **Riparian Vegetation Management Plan**

E52. Prior to the issue of any relevant occupation certificate for works within Lot 2321 DP 1223137, the revegetation of the riparian corridor must be completed in accordance with the *Riparian Vegetation Management Plan*, prepared by Molino Stewart, dated September 2018 as updated by the condition B28.

#### **Building in Saline Conditions**

E53. Prior to the issue of any relevant occupation certificate, documentary evidence must be submitted to the Certifier, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

#### **Flood Affected Development**

E54. Prior to the issue of an occupation certificate for each relevant stage, documentary evidence must be submitted to the satisfaction of the Certifier, certifying that:

- (a) for works within the flood prone sections of the land, only flood resistant materials are used below the designated floor level (if relevant);
- (b) all services and utilities connected to the property, and located within the flood prone section of the land, are constructed of flood proof materials; and
- (c) there is no alteration to the existing ground levels within the flood prone section of the site, unless approved by the conditions of this consent.

#### **On-site detention system**

E55. Prior to the issue of any relevant occupation certificate, the following must be indicated on the on-site detention tank, by fixing a standard marker plate:

THIS IS AN ON-SITE DETENTION STRUCTURE  
DO NOT TAMPER WITH  
CONTACT FAIRFIELD CITY COUNCIL PRIOR  
TO ANY PROPOSED WORKS IN THIS AREA

**Note:** A minimum letter height of 5mm is required.

E56. The standard marker must have the following specifications:

- (a) minimum size: 150mm x 100mm;
- (b) material: non-corrosive metal or 4mm thick laminated plastic; and
- (c) location: fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin.

**Note:** The Applicant must contact Council on 9725-0222 for details regarding the marker.

**Adjustments to Public Utilities**

- E57. Prior to the issue of any relevant occupation certificate, adjustments to any public utilities necessitated by the development must be completed in accordance with the requirements of the relevant public authority at no cost to Council.

**Backflow Prevention requirements**

- E58. Prior to the issue of the relevant occupation certificate, the Applicant must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating, unless otherwise agreed with Sydney Water.

## **PART F POST OCCUPATION**

### **Operating hours**

- F1. The operating hours of the premises are restricted to the following:
- (a) school – 7:30am to 9:30pm, Monday to Friday;
  - (b) school sports – 8am to 1pm, Saturdays; and
  - (c) no on-site operation on Sundays and Public Holidays.

### **Co-sharing with Church**

- F2. The use of the school buildings and facilities for the purpose of community use, including shared use by the Church, and out of hours school activities must be undertaken in accordance with the community usage profile required in the OMP in condition E50.

### **Out of Hours Event Management Plan**

- F3. Prior to the commencement of the first out of hours event (school use) run by the school that involves 100 or more people, the Applicant must prepare an Out of Hours Event Management Plan (School Use) and submit it to the Council for information. The plan must be made publicly available on the school's website at least one week prior to the event and include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the school hall and sports fields, where applicable, restricting use before 8am and after 9:30pm;
  - (f) measures to manage and minimise localised traffic and parking impacts including measures to ensure that all vehicles are parked within the site, or within the adjoining Church site, subject to approval from the Church and prior notification (in accordance with the OMP) with no parking allowed on Kosovich Place; and
  - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of an acoustic management plan.
- F4. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.
- F5. Prior to the commencement of out of hours events (community use) run by the external parties that involve 100 or more people, the Applicant must prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to Council for information. The plan must be made publicly available on the school's website at least one week prior to the event and include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the school hall and sports fields, where applicable, restricting use before 8am and after 9:30pm;
  - (f) measures to manage and minimise localised traffic and parking impacts including measures to ensure that all vehicles are parked within the site, or within the adjoining Church site, subject to approval from the Church and prior notification (in accordance with the OMP) with no parking allowed on Kosovich Place; and
  - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of an acoustic management plan.

- F6. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

### **Operation of Plant and Equipment**

- F7. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

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

- F8. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Community Communication Strategy**

- F9. The Community Communication Strategy, as required by condition C7, must be implemented for a minimum of 12 months following the completion of construction.

### **Operational Transport and Pedestrian Management Plan (OTPM)**

- F10. The OTPM approved under condition E16 (as revised from time to time) and submitted to the satisfaction of the Certifier, with a copy provided to Council for information, must be implemented by the Applicant for the life of the development.

### **Operational Noise Monitoring**

- F11. Within two months of commencement of operation of Stage 1 with 210 students, the Applicant must undertake short term noise monitoring within the site in accordance with the *Noise Policy for Industry*. A noise monitoring report must be prepared to document the results of the noise monitoring program. The noise monitoring report must:
- (a) account for actual noise levels generated by the students and the noise emissions at the sensitive receivers including the nearest residents and the Church;
  - (b) be carried out by an appropriately qualified person; and
  - (c) verify that the operational noise levels do not exceed the recommended operational noise limits (for mechanical plants, outdoor play areas and other identified noise generating activities) identified in *Saints Peter and Paul Assyrian Primary School SSDA Noise Assessment v5.0*, prepared by SLR Consulting and dated March 2020 (as updated by the conditions of this consent).
- F12. The noise monitoring program identified in condition F11, must be conducted within two months of commencement of operation of each stage of the development that proposes an increase in students beyond 210.
- F13. The noise monitoring report in each construction stage must be submitted to the satisfaction of the Certifier for approval within one month of completion of the program.
- F14. Should the noise monitoring program in any construction stage identify any exceedance to the operational noise limits, the Applicant must implement appropriate noise attenuation measures so that operational noise levels at the affected noise sensitive receivers do not exceed the recommended noise levels. Evidence of additional noise attenuation measures must be submitted to the satisfaction of the Certifier within the noise monitoring report.

### **Long Term Environmental Management Plan**

- F15. If upon completion of remediation works contaminated material is to be retained on site, the Applicant must develop and manage the site in accordance with a Long-Term Environmental Management Plan (LTEMP). The LTEMP must, to the satisfaction of the Planning Secretary, detail:
- (a) the environmental and health risks of retaining the material on site;
  - (b) the long-term management and monitoring actions for the contaminated area; and
  - (c) any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

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

- F16. 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**

- F17. The Green Travel Plan required by condition E13 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

- F18. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation of Stage 1, Green Star certification must be obtained demonstrating the development achieves a minimum 4-star Green Star Design & As Built rating. If Green Star certification is obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

- F19. Notwithstanding condition E37, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### **Landscaping**

- F20. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B9 for the duration of occupation of the development, with a replanting programme to be undertaken where the vegetation fails to establish.

### **Asset Protection Zones**

- F21. The Asset Protection Zones required by condition E47 must be maintained for the duration of occupation of the development.

### **Use of the premises**

- F22. The use of the premises must not interfere with the amenity of the residential area.
- F23. The premises must be maintained in a clean and tidy state at all times.

### **Signage**

- F24. The signage approved under this development application must not be illuminated.

### **Wastewater monitoring and long-term maintenance**

- F25. All wastewater treatment systems and sub-surface irrigation systems must be regularly monitored in accordance with the monitoring and maintenance plans approved as part of this development consent.

## **APPENDIX 1 ADVISORY NOTES**

### **General**

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

### **Long Service Levy**

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

### **Legal Notices**

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

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

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

### **Utilities and Services**

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **Road Design and Facilities**

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### **Road Occupancy Licence**

AN8. 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**

AN9. 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**

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### **Handling of Asbestos**

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Speed limit authorisation**

AN12. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;

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

### **Fire Safety Certificate**

AN13. 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.

## **APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal 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 A30 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.