

# Development Consent

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

As the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

The Hon Robert Stokes MP  
**Minister for Planning and Public Spaces**

Sydney

15 February 2020

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

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

**SCHEDULE 1**

|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | SSD 9274   |
| <b>Applicant:</b>          | NSW Department of Education  |
| <b>Consent Authority:</b>  | Minister for Planning and Public Spaces  |
| <b>Site:</b>               | Lot 1 DP 719671, 20 Gilbert Road, Castle Hill<br>Samuel Gilbert Public School  |
| <b>Development:</b>        | <p>Redevelopment of Samuel Gilbert Public School comprising:</p> <ul style="list-style-type: none"><li>• demolition of classroom spaces and removal of trees;</li><li>• construction of a new three storey building along Ridgescrop Drive containing 23 new teaching spaces, new staff and administration offices, new library and school entry forecourt;</li><li>• construction of a new school hall with a separate entrance for out of school hours and community use;</li><li>• alterations and additions to the existing administration building and library building to convert these into six new home bases;</li><li>• refurbishment of two toilet blocks; and</li><li>• associated works including construction of a new circulation axis, landscaping and signage.</li></ul> |

## CONSOLIDATED CONSENT

### SUMMARY OF MODIFICATIONS

| Application Number | Determination Date | Decider  | Modification Description  |
|--------------------|--------------------|--|---|
| SSD 9274 – MOD 2   | 25/11/2021         | Team Leader, State Significant Acceleration      | Changes to the Kiss and Drop off zones and amendment of Condition B30(a) to allow vehicles to reverse into the site.                    |
| SSD 9274 – MOD 3   | 12/04/2022         | A/Team Leader, School Infrastructure Assessments | Amend Condition A2 to remove 27m of drop off and pick up area on Ridgecrop Drive to align with Council's approved parking restrictions. |

## 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>Advisory Notes</b>             | Advisory information relating to the consent but do not form a part of this consent  |
| <b>Applicant</b>                  | NSW Department of Education 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>Archaeological Salvage</b>     | The collection and removal of archaeological data and materials from site  |
| <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>Certifying Authority</b>       | Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.   |
| <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 but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <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>                    | The Hills Shire Council  |
| <b>Day</b>                        | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays  |
| <b>Demolition</b>                 | The deconstruction and removal of buildings, sheds and other structures on the site  |
| <b>Department</b>                 | NSW Department of Planning, Industry and Environment   |
| <b>Development</b>                | The development described in the EIS and Response to Submissions, including the works and activities comprising demolition, construction and operation of Samuel Gilbert Public School, as limited 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 Proposed Expansion of Samuel Gilbert Public School, prepared by Minto Planning Services dated 14 November 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application   |
| <b>ENM</b>                                | Excavated Natural Material   |
| <b>Environment</b>                        | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings   |
| <b>EPA</b>                                | NSW Environment Protection Authority   |
| <b>EP&amp;A Act</b>                       | <i>Environmental Planning and Assessment Act 1979</i>  |
| <b>EP&amp;A Regulation</b>                | <i>Environmental Planning and Assessment Regulation 2000</i>   |
| <b>EPL</b>                                | Environment Protection Licence under the POEO Act  |
| <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>IBRA</b>                               | Interim Biogeographic Regionalisation for Australia  |
| <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<br><i>Note: "material harm" is defined in this consent</i>   |
| <b>Land</b>                               | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act  |
| <b>Management and mitigation measures</b> | The management and mitigation measures set out in Section 7 of EIS and Section 5 of Response to Submission   |
| <b>Material harm</b>                      | Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> |
| <b>Minister</b>                           | NSW Minister for Planning (or delegate)  |
| <b>Mitigation</b>                         | Activities associated with reducing the impacts of the development prior to or during those impacts occurring  |
| <b>Monitoring</b>                         | Any monitoring required under this consent must be undertaken in accordance with section 9.39 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  |

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|                                      |   |
|--------------------------------------|---|
| <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>OEMP</b>                          | Operational Environmental Management Plan   |
| <b>Operation</b>                     | The carrying out of the approved purpose of the development upon completion of construction.  |
| <b>Planning Secretary</b>            | Planning Secretary under the EP&A Act, or nominee   |
| <b>POEO Act</b>                      | <i>Protection of the Environment Operations Act 1997</i>  |
| <b>Reasonable</b>                    | Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.  |
| <b>Registered Aboriginal Parties</b> | Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)  |
| <b>Rehabilitation</b>                | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.   |
| <b>Response to submissions</b>       | The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.  |
| <b>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>STIF</b>                          | Sydney Turpentine Ironbark Forest   |
| <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, and the carrying out of the maintenance works. |
| <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, **SSD 9274-MOD 2** and **SSD 9274-MOD 3**;
  - (d) in accordance with the approved plans in the table below:

| <b>Architectural Plans prepared by <i>Fulton Trotter</i></b> |   |  |  |
|--|---|--|--|
| <b>Dwg No.</b>   | <b>Rev</b>                              | <b>Name of Plan</b>                        | <b>Date</b>  |
| AEX1002  | P16                                     | Site Demolition Plan                       | 15/08/19   |
| SD1001   | P24                                     | Proposed Site Plan                         | 15/08/19   |
| A-S-1400   | 01                                      | Staging Plan                               | 17/01/20   |
| SD1603   | P12                                     | External Materials 1                       | 7/05/19  |
| SD1604   | P12                                     | External Materials 2                       | 7/05/19  |
| SD1605   | P10                                     | External Materials 3                       | 7/05/19  |
| SD1607   | P10                                     | Site Sections                              | 7/05/19  |
| SD1608   | P10                                     | Block N & P Street Elevation               | 7/05/19  |
| SD1609   | P14                                     | Tree Plan                                  | 11/09/19   |
| SD1610   | P8                                      | Proposed Signage                           | 7/05/19  |
| SD1611   | P9                                      | Construction Environmental Management Plan | 7/05/19  |
| SD1613   | P3                                      | Height Blanket Site Perspective & Section  | 7/05/19  |
| SD1614   | P2                                      | End of Trip Facilities Plan                | 7/05/19  |
| SD1615<br><b>A-S-1615</b>                                    | <del>P4</del><br><b>03</b><br><b>04</b> | Kiss and Ride                              | <del>7/05/19</del><br><b>11/05/21</b><br><b>07/02/22</b> |
| SD-A-2001  | P15                                     | Building A – Ground Floor Plan             | 7/05/19  |
| SD-A-2101  | P7                                      | Building A – Roof Plan                     | 7/05/19  |
| AEX-A-2001   | P9                                      | Building A – Demolition Floor Plan         | 7/05/19  |
| AEX-E-2001   | P9                                      | Building E – Demolition Floor Plan         | 7/05/19  |
| SD-E-2001  | P16                                     | Building E – Ground Floor Plan             | 7/05/19  |
| SD-E-2101  | P6                                      | Building E – Roof Plan                     | 7/05/19  |
| AEX-F-2001   | P3                                      | Building D & F Demolition Floor Plans      | 7/05/19  |

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| SD-F-2101   | P6  | Building D & F Roof Plan                         | 7/05/19  |
|---|-----|--|----------|
| SD-F-3001   | P3  | Building D & F Elevations                        | 7/05/19  |
| SD-N-2002   | P22 | Building N – Ground Floor Plan                   | 7/05/19  |
| SD-N-2003   | P21 | Building N – Level 1 Floor Plan                  | 7/05/19  |
| SD-N-2004   | P20 | Building N – Level 2 Floor Plan                  | 7/05/19  |
| SD-N-2101   | P15 | Building N – Roof Plan                           | 7/05/19  |
| SD-N-3001   | P18 | Building N – North South Elevations              | 7/05/19  |
| SD-N-3002   | P18 | Building N – East & West Elevations              | 7/05/19  |
| SD-N-3101   | P12 | Building N – Sections N1, N2 & N3                | 7/05/19  |
| SD-P-2002   | P20 | Building P – Ground Floor Plan                   | 7/05/19  |
| SD-P-2003   | P19 | Building P – Level 1 Floor Plan                  | 7/05/19  |
| SD-P-2004   | P19 | Building P – Level 2 Floor Plan                  | 7/05/19  |
| SD-P-2101   | P15 | Building P – Roof Plan                           | 7/05/19  |
| SD-P-3001   | P18 | Building P – North & South Elevations            | 7/05/19  |
| SD-P-3002   | P18 | Building P – East & West Elevations              | 7/05/19  |
| SD-P-3101   | P12 | Building P – Sections P1 & P3                    | 7/05/19  |
| SD-P-3102   | P9  | Building P – Section P4                          | 7/05/19  |
| SD-Q-2001   | P19 | Building Q – Ground Floor Plan                   | 7/05/19  |
| SD-Q-2101   | P12 | Building Q – Roof Plan                           | 7/05/19  |
| SD-Q-3001   | P15 | Building Q – North and East Elevations           | 7/05/19  |
| SD-Q-3002   | P17 | Building Q – South and West Elevations           | 7/05/19  |
| SD-Q-3101   | P7  | Building Q – Section Q1 & Q2                     | 7/05/19  |
| <b>Landscape Plans prepared by <i>Ground Ink Landscape Architects</i></b> |     |  |          |
| Dwg No.   | Rev | Name of Plan                                     | Date     |
| LDA-05  | -   | Proposed External Works Plan                     | 12/09/19 |
| LDA-07  | -   | Landscape Masterplan                             | 12/09/19 |
| LDA-08  | -   | Materials Palette                                | 12/09/19 |
| LDA-09  | -   | Indicative Plant Palette                         | 12/09/19 |
| LDA-10  | -   | Central Plaza Landscape Plan                     | 12/09/19 |
| LDA-11  | -   | Central Plaza Section Elevation                  | 12/09/19 |
| LDA-12  | -   | Section Elevation                                | 12/09/19 |
| LDA-13  | -   | Ridgecrop Drive (Southern) Elevation             | 12/09/19 |
| LDA-14  | -   | Proposed Tree Plan                               | 12/09/19 |
| <b>Civil Plans prepared by <i>Henry &amp; Hymas</i></b>                   |     |  |          |
| Dwg No.   | Rev | Name of Plan                                     | Date     |
| 17787_DA_BE01   | 04  | Bulk Earthworks Cut and Fill Plan                | 28/02/19 |
| 17787_DA_C100   | 09  | General Arrangement Plan                         | 28/02/19 |
| 17787_D1_BE01   | 01  | Bulk Earthworks Cut and Fill Plan Staff Car Park | 16/08/19 |



## CONSOLIDATED CONSENT

|               |    |   |          |
|---------------|----|---|----------|
| 17787_D1_C000 | 01 | Cover Sheet, Drawing Schedule Notes and Locality Sketch | 16/08/19 |
| 17787_D1_C100 | 01 | Staff Car Park – Detail Plan                            | 16/08/19 |

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

### Prescribed Conditions

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

### Planning Secretary as Moderator

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

### Evidence of Consultation

- A8. 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

- A9. The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the approval 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).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;

- (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where staging is proposed, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. Where staging is proposed, the terms of this approval 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.

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

- A13. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. 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.
- A15. If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Structural Adequacy**

- A16. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA and any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

#### **Notes:**

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

### **External Walls and Cladding**

- A17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## Applicability of Guidelines

- A18. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A19. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## Monitoring and Environmental Audits

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

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

## Access to Information

- A21. At least 48 hours before the commencement of construction until 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;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

## Compliance

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

## Incident Notification, Reporting and Response

- A23. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A24. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

### Non-Compliance Notification

- A25. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Planning Secretary in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A26. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A27. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Revision of Strategies, Plans and Programs

- A28. Within three months of:
- (a) the submission of a compliance report under condition B33;
  - (b) the submission of an incident report under condition A23;
  - (c) the submission of an Independent Audit under condition C34;
  - (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifying Authority must be notified in writing that a review is being carried out.
- A29. 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. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.
- Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

### Design and Construction for Bush Fire

- A30. Proposed Building N 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 2006; and
- A31. New works proposed to Building A 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 2006.

## PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B2. If the construction or operation 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

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### External Walls and Cladding

- B4. Prior to the commencement of construction (excluding earthworks), the Applicant must provide the Certifying Authority 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 Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### Protection of Public Infrastructure

- B5. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifying Authority and Council.

### Pre-Construction Dilapidation Report

- B6. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifying Authority. 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.

### Unexpected Contamination Procedure

- B7. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition B13 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

### Community Communication Strategy

- B8. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;



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

### Ecologically Sustainable Development

- B9. Prior to the commencement of construction, unless otherwise 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 Certifying Authority; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

### Outdoor Lighting

- B10. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifying Authority 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.

### Demolition

- B11. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority and Planning Secretary.

### Environmental Management Plan Requirements

- B12. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development;
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;

- (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g) a protocol for managing and reporting any:
  - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
  - (ii) complaint;
  - (iii) failure to comply with statutory requirements; and
- (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.

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

### Construction Environmental Management Plan

B13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of Certifying Authority and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
  - (i) hours of work;
  - (ii) 24-hour contact details of site manager;
  - (iii) management of dust and odour to protect the amenity of the neighbourhood;
  - (iv) stormwater control and discharge;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) groundwater management plan including measures to prevent groundwater contamination;
  - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (viii) community consultation and complaints handling;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B14);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition B15);
- (d) Construction Waste Management Sub-Plan (see condition B16);
- (e) Construction Soil and Water Management Sub-Plan (see condition B17);
- (f) Biodiversity Management Sub-Plan (see condition B18);
- (g) Bush Fire Emergency Response Sub-Plan (see condition B19);
- (h) an unexpected finds protocol for contamination and associated communications procedure;
- (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- (j) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and

B14. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council and TfNSW;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
- (d) detail heavy vehicle routes, access and parking arrangements;
- (e) include a Driver Code of Conduct to:

- (i) minimise the impacts of earthworks and construction on the local and regional road network;
  - (ii) minimise conflicts with other road users;
  - (iii) minimise road traffic noise; and
  - (iv) ensure truck drivers use specified routes;
  - (f) include a program to monitor the effectiveness of these measures; and
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B15. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition B8(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with Condition B12(d).
- B16. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- B17. 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;
  - (c) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.
  - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e., storage of equipment, stabilisation of the Site);
  - (e) detail all off-Site flows from the Site; and
  - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.
- B18. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:
- (a) should any injured fauna species be found during the construction period, construction must stop immediately so that the injured animal can be taken to a vet or wildlife carer. All handling of fauna species must be conducted by a qualified ecologist or wildlife carer;



- (b) during vegetation clearing, animals that are injured or displaced are to be captured and relocated by a qualified ecologist or wildlife carer to nearby bushland (subject to landowner approval), or trees containing wildlife must be sectioned and dismantled before relocating the animals;
- (c) nocturnal fauna species such as gliders and possums, if captured and rescued during vegetation clearing are to be secured in suitable enclosures and kept in a quiet, dark and cool environment until they can be released into suitable habitat after dark;
- (d) include a Vegetation Management sub-plan (VMP) for the site during construction works.
- (e) include measures to communicate to the construction workforce the biodiversity values that are to be retained and protected;
- (f) any hollows removed be salvaged and replaced into trees within the vegetated areas to be retained or they be replaced with nest boxes in consultation with Council suitable to native fauna likely to use the site;
- (g) include a Fauna Management Plan for the site including details of impacts and proposed mitigation measures due to impact on movement, construction traffic, proposed construction hours, details of any fencing, restricting developments in identified areas, light spill, construction noise and on-site crane movements; and
- (h) include details to install and maintain exclusion fencing along and around any native vegetation not being removed as part of this development.

B19. The Bush Fire 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) address the provisions of the Planning for Bush Fire Protection 2006;
- (c) include details of:
  - (i) the bushfire emergency responses for both construction and operation phases of the development;
  - (ii) assembly points and evacuation routes;
  - (iii) evacuation and refuge protocols; and
  - (iv) awareness training for employees and contractors, and students.

### **Construction Worker Transportation Strategy**

B20. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifying Authority. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

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

B21. Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the Environmental Noise Assessment (6395-1R Rev A) report prepared by Day Design Pty Ltd dated 8 November 2018, into the detailed design drawings. The Certifying Authority must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment report.

### **Pre clearing**

B22. Prior to the commencement of construction and/or vegetation clearing (whichever occurs first), pre clearing surveys and inspections for fauna must be undertaken. The surveys and inspection, and any subsequent relocation of fauna, must be undertaken under the guidance of a suitably qualified ecologist and must be in accordance with the methodology incorporated in the Biodiversity Management Sub-Plan. Evidence of the pre clearing surveys and inspections for fauna and any relocation of fauna must be provided to the satisfaction of the Certifying Authority.

## Biodiversity

B23. Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in the table below must be retired to offset the residual biodiversity impacts of the development.

| Impacted Plant Community Type (PCT)  | Number of Credits | Containing hollow bearing trees | IBRA subregions  | Plant community type(s) that can be used to offset the impacts from development   |
|--|-------------------|---------------------------------|--|---|
| PCT 1081 – Bloodwood – Grey Gum woodland on edges of the Cumberland Plain, Sydney Basin Bioregion              | 13                | Yes                             | Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo or any IBRA subregion that is within 100 Kilometers of the outer edge of the impacted site. | Sydney Hinterland Dry Sclerophyll Forests (including PCT's 612, 621, 624, 1080, 1081, 1086, 1159, 1246, 1255, 1327, 1328, 1614, 1622, 1628, 1631, 1634, 1640, 1664, 1666, 1667, 1789, 1790, 1912) |
| PCT 1281 – Turpentine – grey Ironbark open forest on shale in the lower Blue Mountains, Sydney basin Bioregion | 1                 | No                              | Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo or any IBRA subregion that is within 100 Kilometers of the outer edge of the impacted site. | Sydney Turpentine-Ironbark Forest (including PCT's 1183, 1281, 1284)  |

B24. The requirement to retire credits in Condition B23 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

B25. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B24 must be submitted to the Planning Secretary prior to carrying out development that will impact on biodiversity values.

## Landscaping

B26. Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Certifying Authority. The plan must:

- (a) provide for the planting of 54 trees;
- (b) provide for the planting of 50 shrubs and groundcover;
- (c) detail the location, species, maturity and height at maturity of plants to be planted on-site;
- (d) include species (trees, shrubs and groundcovers) indigenous to the local area;
- (e) include the planting of trees with a pot container of 100 litres or greater, with a minimum height at maturity of 10m;
- (f) include the provision of nest boxes suitable to native fauna likely to use the site;
- (g) comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*;
- (h) the revegetated area(s) of STIF must be contiguous with the areas of existing STIF and be fully structured with a diversity of local native tree, shrub and groundcover species;
- (i) the existing STIF and revegetated areas of STIF must not be managed as an APZ under this consent;

- (j) trees to be removed are salvaged and used in the remnant vegetation on site to enhance habitat including tree hollows and tree trunks (greater than 25-30cm in diameter and 3m in length).

### Landscaping

- B27. Prior to the commencement of construction, the existing STIF must be delineated and be protected by exclusion fencing on the ground.

### Rainwater Harvesting

- B28. Prior to the commencement of construction, the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

### Roadworks and Access

- B29. Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed construction accesses to the development are designed to accommodate the turning path of a heavy ridged vehicles.

### Car Parking and Service Vehicle Layout

- B30. Prior to the commencement of construction, compliance with the following requirements must be submitted to the satisfaction of the Certifying Authority:
- (a) all vehicles must enter and leave the Site in a forward direction, **except during construction, where vehicles are permitted to reverse into the site in accordance with the CEMP**;
  - (b) that the operational car parking layout provides a minimum of 38 on-site car parking spaces for use during operation of the development and new car parking spaces must be designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - (c) that the construction access and car parking arrangements provide **for** the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with the latest version of AS 2890.2; and
  - (d) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

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

- B31. Prior to the commencement of construction, evidence must be submitted to the satisfaction of the Certifying Authority with the following requirements for bicycle parking and end-of-trip facilities:
- (a) the provision of a minimum 60 bicycle parking spaces;
  - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - (c) the provision of end-of-trip facilities for staff;
  - (d) appropriate pedestrian and cyclist advisory signs are to be provided; and
  - (e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

### Public Domain Works

- B32. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifying Authority that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifying Authority.

**Compliance Reporting**

- B33. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifying Authority.
- B34. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifying Authority in writing at least seven days before this is done.
- B35. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## PART C DURING CONSTRUCTION

### Site Notice

- C1. 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, Certifying Authority and Structural Engineer is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- C2. 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.

### Demolition

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by Condition B11.

### Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00am and 6:00pm, Mondays to Fridays inclusive; and
  - (b) between 8:00am and 1:00pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Construction activities may be undertaken outside of the hours in condition C4 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.
- C6. Notification of such construction activities as referenced in Condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### Implementation of Management Plans

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

## Construction Traffic

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

## Hoarding Requirements

- C10. 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

- C11. 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

- C12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C13. 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 C4.
- C14. 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

- C15. 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).
- C16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C15.
- C17. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B13 of this consent.

## Tree Protection

- C18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all street trees immediately adjacent to the approved disturbance area must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;



- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per recommendations of the Arboricultural Impact Assessment report (5229/J1) prepared by TreeTalk Arboricultural consulting dated September 2019;
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater; and
- (e) the area of fill/rubber built around trunks of trees in the STIF must be remediated and the fill/rubber removed as per the recommendations in Arboricultural Impact Assessment report (5229/J1) prepared by TreeTalk Arboricultural consulting dated September 2019.

### **Air Quality**

C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C20. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### **Erosion and Sediment Control**

C21. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

### **Imported Soil**

C22. 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 Certifying Authority upon request.

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

C23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority. 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**

C24. 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

### **Stormwater Management System**

C25. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifying Authority. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the EIS;
- (c) be in accordance with applicable Australian Standards; and
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

### Unexpected Finds Protocol – Aboriginal Heritage

C26. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by 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

C27. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

### Waste Storage and Processing

- C28. 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.
- C29. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C30. 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.
- C31. 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.
- C32. 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

C33. 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

- C34. 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.
- C35. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifying Authority.
- C36. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
  - (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and



## CONSOLIDATED CONSENT

- (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.

In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks notice to the applicant of the date upon which the audit must be commenced.

- C37. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Planning Secretary and the Certifying Authority under condition C34 of this consent; and
  - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C38. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C36 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifying Authority; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifying Authority in writing at least seven days before this is done.
- C39. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

### Detailed Site Investigation

- C40. Following the relocation or demolition of any existing structures, infrastructure and in ground utilities, the Applicant is to carry out further investigation of soil contamination (including within the footprint and immediate surrounds of those structures, infrastructures and utilities prior to undertaking any construction) to address any contamination with regard to the following:
- (a) NSW EPA Sampling Design Guidelines;
  - (b) Guidelines for the NSW Site Auditor Scheme (3<sup>rd</sup> edition) 2017;
  - (c) Guidelines for Consultants Reporting on Contamination Sites, 2011; and
  - (d) The National Environment Protection (Assessment of Contamination) Measure.

**PART D PRIOR TO COMMENCEMENT OF OPERATION****Notification of Occupation**

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

**External Walls and Cladding**

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

**Post-construction Dilapidation Report**

- D4. Prior to commencement of operation, 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 Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifying Authority must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) to be forwarded to Council.

**Protection of Public Infrastructure**

- D5. 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.

**Protection of Property**

- D6. 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**

- D7. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

**Pedestrian crossing**

- D8. Prior to the commencement of operation or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Planning Secretary that demonstrates that the Applicant has consulted with Council with respect to investigating the provision of formal pedestrian crossing within the refuge across Ridgescrop Drive. If a pedestrian crossing is required by Council, evidence of details of the pedestrian crossing in accordance with Council requirements must be provided to the satisfaction of the Certifying Authority.

**Works as Executed Plans**

- D9. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority.

**Green Travel Plan**

- D10. Prior to the commencement of operation, 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 The Hills Shire Council and (Sydney Coordination Office) Transport for NSW;
  - (b) include objectives and modes share targets (i.e., Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

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

- D11. Prior to the commencement of operation, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council, Transport for NSW and TfNSW (RMS), and submitted to the satisfaction of the Certifying Authority and submitted to the Planning Secretary for information. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
  - (b) the location of all car parking spaces on the school campuses and their allocation (i.e., staff, visitor, accessible, emergency, etc.);
  - (c) the location and operational management procedures of the pick-up and drop-off parking located within Gilbert Road and Ridgecrop Drive, including staff management/traffic controller arrangements;
  - (d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities, including staff management/traffic controller arrangements;
  - (e) delivery and services vehicle and bus access and management arrangements;
  - (f) management of approved access arrangements;
  - (g) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking at Gilbert Road and Ridgecrop Drive;
  - (h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
  - (i) a monitoring and review program.

**Evacuation and Emergency Planning**

- D12. Prior to the commencement of operation, 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.

### School Zones

- D13. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along Gilbert Road and Ridgescrop Drive 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.*

- D14. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

### Mechanical Ventilation

- D15. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifying Authority that the installation and performance of the mechanical ventilation systems complies with:

- (a) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

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

- D16. Prior to the commencement of operation, the Applicant must submit evidence to the Certifying Authority that the noise mitigation recommendations in the Environmental Noise Assessment report (6395-1.1R Rev A) dated 8 November 2018 and prepared by Day Design Pty Ltd have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

### Car Parking Arrangements

- D17. Prior to the commencement of operation or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Planning Secretary that demonstrates that:
- (a) the Applicant has consulted with Council to form an agreement to use Council's carpark on Ridgescrop Drive as overflow staff carparking during school hours. If an agreement is formed, the agreement must be submitted to the Planning Secretary for information.
  - (b) construction works associated with the proposed expansion of school, as proposed under SSD 9274, have been completed and that the expanded car parking facility is operational; and
  - (c) works associated with the reconfiguration of the existing on site car park to create for 4 additional car parking spaces have been completed.

### Road Damage

- D18. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### Fire Safety Certification

- D19. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### Structural Inspection Certificate

- D20. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- (a) the site has been periodically inspected and the Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and

- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### Compliance with Food Code

- D21. Prior to the commencement of operation, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority.

### Stormwater Quality Management Plan

- D22. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifying Authority along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

### Rainwater Harvesting

- D23. Prior to the commencement of operation, signed works-as-executed Rainwater Re-use Plan must be provided to the Planning Secretary and Certifying Authority.

### Warm Water Systems and Cooling Systems

- D24. 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

- D25. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifying Authority 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

- D26. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D27. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- D28. Prior to the commencement of operation, 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site.
- D29. Prior to the commencement of operation, the approved illuminated signs must be installed with a timed intensity and illumination adjuster to the satisfaction of the Certifying Authority.

### Operational Waste Management Plan

- D30. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifying Authority. The Waste Management Plan must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in Section 7 of EIS, Section 5 of RtS and Appendix Z.

### Landscaping

- D31. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifying Authority. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
  - (b) be consistent with the Applicant's Management and Mitigation Measures at Section 7 of EIS and Section 5 of RtS;
- D32. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifying Authority.

### Asset Protection Zones

- D33. Asset protection Zones must be provided and maintained in accordance with the 'Bushfire hazard Analysis and Asset protection Zone', Figure 4, prepared by Peterson Bushfire Consulting, dated 1/08/2019. And managed as outlined within appendices 2 and 5 of planning for Bush Fire protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

### Traffic and Parking Management Plan

- D34. Prior to the commencement of operation, the Applicant must prepare a Traffic and Parking Management Plan to the satisfaction of the Planning Secretary, which details measures to safely manage the daily transport task to/from the school. Traffic management measures that need to be addressed include:
- (a) kerbside vehicle pick-up/drop-off management and orderly vehicle queuing;
  - (b) maintaining bus accessibility and student waiting areas;
  - (c) safe parent and student behaviour during pick-up/drop-off; and
  - (d) safe pedestrian movements to the school entrances, minimising vehicle-pedestrian conflicts.

The plan must detail the responsibility of various personnel executing the plan and include measures to monitor, review the performance and make improvements to the plan.

### Signage and Linemarking Plan

- D35. Prior to the commencement of operation, the Applicant must prepare a detailed signage and linemarking plan to the satisfaction of Certifying Authority of the proposed changes to kerbside parking restrictions to accommodate the various vehicle movements to/from the development within the local road network. The preparation of the plan must be undertaken in consultation with Council.
- D36. The detailed signage and linemarking plan must include 'no stopping' signpost along the proposed drop-off/pick-up arrangement.
- D37. The approved kerbside parking restrictions must be implemented prior to the commencement of operation.



### Road Safety Audit

- D38. Prior to the commencement of operation, a Road Safety Audit (RSA) (refer Austroads Guide to Road Safety Part 6 and Part 6a) must be submitted to the satisfaction of the Certifying Authority. The RSA must consider all the proposed measures including any traffic management facilities, bus and private vehicle pick-up and drop-off arrangements, and signage and line-marking plan.
- D39. The findings of the RSA must be incorporated into the proposed design in consultation with Council prior to commencement of operation to the satisfaction of the Certifying Authority.

**Note:** the audit needs to be undertaken by an independent TfNSW accredited auditor.

### Validation Report

- D40. The Applicant must prepare a Validation Report for the development. The Validation Report must:
- (a) be prepared by an EPA accredited Site Auditor;
  - (b) be submitted to EPA, the Planning Secretary and the Certifying Authority for information one month after the completion of remediation works;
  - (c) be prepared in accordance with the RAP and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011);
  - (d) include, but not be limited to:
    - (i) comment on the extent and nature of the remediation undertaken;
    - (ii) describe the location, nature and extent of any remaining contamination on site;
    - (iii) sampling and analysis plan and sampling methodology;
    - (iv) results of sampling of treated material, compared with the treatment criteria;
    - (v) details of the volume of treated material emplaced within the containment cell and its location;
    - (vi) results of any validation sampling, compared to relevant guidelines/criteria;
    - (vii) discussion of the suitability the remediated areas for the intended land use; and
    - (viii) any other requirement relevant to the project.

### Site Audit Report and Site Audit Statement

- D41. Prior to occupation of the building, the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use(s).
- D42. Within 3 months of submission of the Validation Report required by condition D40, the Applicant must demonstrate to the satisfaction of the Certifying Authority that the Site Auditor has submitted a Site Audit Report and Site Audit Statement to EPA in accordance with the requirements of EPA's *Guidelines for the NSW Site Auditor Scheme* (DEC, 2006).

### Vegetation Management Plan

- D43. Prior to the commencement of operation, a final Vegetation Management Plan must be prepared for the site and be submitted to the Certifying Authority.
- D44. The Vegetation Management Plan must be developed to guide the management of retained native vegetation and adjoining Asset Protection Zones.

**PART E POST OCCUPATION****Out of Hours Event Management Plan**

- E1. Prior to the commencement of the first out of hours events (school use) run by the school that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) and submit it to the Council and Planning Secretary in consultation with Council. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) 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, where applicable, restricting use before 8am and after 10pm;
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) include measures to minimise CEMP impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E2. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.
- E3. Prior to the commencement of out of hours events (community use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) 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, where applicable, restricting use before 8am and after 10pm;
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E4. 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**

- E5. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

**Warm Water Systems and Cooling Systems**

- E6. 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**

- E7. The Community Communication Strategy, as submitted to the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

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

- E8. The OTAMP(s) approved under condition D11 (as revised from time to time) must be implemented by the Applicant for the life of the development.



## Operational Noise Limits

- E9. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Environmental Noise Assessment report (6395-1.1R Rev A) dated 8 November 2018 and prepared by Day Design Pty Ltd.
- E10. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Environmental Noise Assessment report (6395-1.1R Rev A) dated 8 November 2018 and prepared by Day Design Pty Ltd. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

## Unobstructed Driveways and Parking Areas

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

## Green Travel Plan

- E12. The Green Travel Plan required by condition D10 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

## Ecologically Sustainable Development

- E13. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifying Authority and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under Condition B9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifying Authority.

## Outdoor Lighting

- E14. Notwithstanding Condition D25, 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

- E15. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D31 for the duration of occupation of the development.

## Asset Protection Zones

- E16. The asset protection zones required by condition D33 shall be maintained for the duration of occupation of the development.

## Signage

- E17. Signage approved for illumination under this consent must not be illuminated between the hours of 10pm and 7am seven days per week.

## **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 Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

AN5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

### **Utilities and Services**

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

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

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

AN8. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### **Road Occupancy Licence**

AN9. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### **SafeWork Requirements**

AN10. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### **Hoarding Requirements**

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

### **Handling of Asbestos**

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

### **Speed limit authorisation**

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

- (a) a copy of the Conditions of Consent;

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

**Fire Safety Certificate**

AN14. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

**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 at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A23 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.