

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

These conditions are required to:

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

David Gainsford
Executive Director
Infrastructure Assessments

Sydney

2019

SCHEDULE 1

Application Number:	SSD-9683
Applicant:	Alesco Senior College
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lots 14 and 15, Section L, DP8993 7 James Street, Argenton
Development:	Change of use to an existing premises to an educational establishment including associated landscaping and remediation.
Modification:	<u>SSD-9683 Mod 1, approved 7 July 2020:</u> Amendment to condition D13 by replacing the requirement for submission of a Site Audit Report and a Section A Site Audit Statement with submission of a Contamination Site Validation Report and Long-term Environmental Management Plan.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
AHIMS	Aboriginal Heritage Information Management System
Applicant	Alesco Senior College or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including but not limited to the carrying out of works for the purposes of the development, including site remediation and landscaping including paving and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
Council	Lake Macquarie City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the operation of the Alesco Senior College, Argenton including landscaping and remediation, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former NSW Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled 'Change of Use to Educational Facility', prepared by Untapped Planning dated 15 May 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings

EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage NSW, Community Engagement of the Department of Premier and Cabinet
Heritage Item	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
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in the Environmental Impact Statement titled "Change of Use to Educational Facility," prepared by Untapped Planning and dated 15 May 2019
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or 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)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Reasonable	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.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	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.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a

	dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
TfNSW(RMS)	Transport for New South Wales (Roads and Maritime Services)
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

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

Architectural Plans prepared by <i>Den-Ad Design & Co</i>			
Dwg No.	Rev	Name of Plan	Date
A-01	C	Site Plan	24.10.18
A-02	B	Floor Plans	4.10.18
Landscape Plans prepared by <i>Den-Ad Design & Co</i>			
Dwg No.	Rev	Name of Plan	Date
A-01	C	Site Plan	Submitted 31.10.19

- 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) or 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.

Structural Adequacy

- A9. 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

- A10. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Site Contamination

- A11. Remediation approved as part of this development consent must be carried out in accordance with the Remedial Action Plan dated 30 September 2019 and prepared by Agility Engineering.

Applicability of Guidelines

- A12. 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.
- A13. 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

- A14. 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

- A15. 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

A16. 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

A17. The Planning Secretary must be notified in writing to 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.

A18. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

A19. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A20. 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.

A21. 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

A22. Within three months of:

- (a) the submission of a compliance report under condition B5;
- (b) the submission of an incident report under condition A17;
- (c) the submission of an Independent Audit under condition C29;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

A23. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required

under this consent must be revised, to the satisfaction of the Planning Secretary and / or Certifier (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Ecologically Sustainable Development

- B1. Prior to the commencement of construction, the Applicant must provide details to the satisfaction of the Certifier and provide a copy to the Planning Secretary for information, of ecologically sustainable development measures to be implemented at the site, including but not limited to the installation of energy efficient lighting and water efficient fixtures and fittings.

Landscaping and Fencing

- B2. 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 Planning Secretary. The plan must:
- (a) detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - (b) include species (trees, shrubs and groundcovers) that will achieve a height of at least 3 metres at maturity along the north-western boundary of the site;
 - (c) provide for a new perimeter fence for the western, north-western and north-eastern boundaries of at least 2.1 metres in height;
 - (d) include details of the design and treatment of a 1 metre wide strip of the landscaping buffer along the north-western boundary of the site to ensure that students cannot access the area; and
 - (e) provide for the area of proposed paving near the tree in the site's north-western corner of the site in proximity to Student Area 2 to be of a permeable material to ensure the non-compaction of the root zone of this tree.

Notification of Commencement

- B3. The Applicant must notify the Planning Secretary in writing of the dates of commencement of construction at least 48 hours before those dates.

Compliance Reporting

- B4. 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 Certifier.
- B5. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- B6. 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 Certifier in writing at least seven days before this is done.
- B7. 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, Certifier and Structural Engineer is to satisfy the following requirements;
 - (i) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (iii) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- 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 (where proposed) must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001).

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 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- 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.

Construction Traffic and Pedestrian Management

- C7. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site and vehicles must enter the site before stopping.
- C8. All construction vehicles are to enter and exit the site in a forward direction.
- C9. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Access to the Rail Corridor

- C10. During construction, the Applicant must maintain clear access to the rail corridor at the existing access gates on James Street. Clear access involves ongoing access (at all times) by rail vehicles, plant and equipment to support maintenance and emergency activities.

Tree Protection

- C11. For the duration of any construction works proposed to take place within the tree protection zone (TPZ) of all trees on Site, suitable protection measure must be implemented during construction in accordance with AS 4970-2009: *Protection of Trees on Development Sites*.

Air Quality

- C12. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C13. 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

- C14. Erosion and sediment control measures must be effectively implemented and maintained for any ground disturbance works. These must be 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* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Imported Soil

- C15. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

- C16. Adequate provisions must be made to collect and discharge stormwater drainage during construction works to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Unexpected Finds Protocol – Aboriginal Heritage

- C17. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EESG and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EESG to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EESG.

Unexpected Finds Protocol – Historic Heritage

- C18. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the NSW 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 NSW Heritage NSW.

Unexpected Contamination Procedure

- C19. The Applicant must comply with the Unexpected Finds Protocol set out in Remedial Action Plan dated 30 September 2019 and prepared by Agility Engineering. 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.

Waste Storage and Processing

- C20. 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.
- C21. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C22. 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.
- C23. 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.
- C24. 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

- C25. The Applicant must ensure that any external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Independent Environmental Audit

- C26. 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.
- C27. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.
- C28. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
- (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
 - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.

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.

- C29. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition C27 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).
- C30. 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 C27 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and

- (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.
- C31. 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.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Operational Transport and Access Management Plan (OTAMP)

- D1. Prior to the commencement of operation, an OTAMP is to be prepared by a suitably qualified person to the satisfaction of the Certifier, in consultation with Council, TfNSW and TfNSW(RMS), and a copy provided to the Planning Secretary for information. The OTAMP must address the following:
- (a) pedestrian analysis, including the identification of safe route option, that identifies the need for management measures 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 Site and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
 - (c) the location and operational management procedures of pick-up and drop-off parking;
 - (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;
 - (e) delivery and services vehicle management arrangements;
 - (f) management of approved access arrangements;
 - (g) arrangements to ensure clear access is maintained to the rail corridor at the existing access gates on James Street, including provisions to direct staff, parents and students to maintain this clear access;
 - (h) arrangements to ensure compliance with the Student Management Policy prohibiting students from driving themselves to school; and
 - (i) a monitoring and review program.

Operational Community Communication Strategy

- D2. Prior to the commencement of operation, an Operational Community Communication Strategy must be submitted to the Planning Secretary. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the operation of the development. The Operational Community Communication Strategy must:
- (a) set out procedures and mechanisms for ongoing engagement with the community;
 - (b) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant, including the details of the relevant contacts;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community;
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to operation of the development, including disputes regarding rectification or compensation.
 - (c) identify how complaints will be considered, managed and escalated; and
 - (d) include any specific requirements around traffic, noise and amenity.

Noise Assessment

- D3. Prior to the commencement of operation, a report must be submitted to the satisfaction of the Certifier and a copy provided to TfNSW, Sydney Trains and the Planning Secretary, which demonstrates that the completed development meets the requirements of Clause 87 of the State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning and Infrastructure's Development Assessment Guideline titled "*Development Near Rail Corridors and Busy Roads – Interim Guidelines*". The report must include the identification of external and internal noise levels that are representative of the typical maximum levels that may occur at this development and a conclusion as to whether the internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level,

corrective measures must be identified to ensure that internal noise levels are compliant with the requirements of the Guideline.

- D4. Prior to the commencement of operation, any corrective measures identified in Condition D3 must be implemented to the satisfaction of the Certifier.

Operational Noise Management Plan

- D5. Prior to the commencement of operation, an Operational Noise Management Plan must be submitted to the satisfaction of the Certifier, and a copy provided to the Planning Secretary and Council. The Plan must include but not be limited to:
- (a) arrangements for the management of staff and students that includes measures to minimise noise impacts on any sensitive residential receivers;
 - (b) set out arrangements for the management and monitoring of the use of outdoor student areas;
 - (c) include a complaints management procedure to provide for the registration and of, and response to, complaints; and
 - (d) the annual monitoring and review of the Operational Noise Management Plan, with a copy of the review and any revised Operational Noise Management Plan to be provided to the Planning Secretary and Council.

Road Damage

- D6. 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 Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Warm Water Systems and Cooling Systems

- D7. 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

- D8. Any installed outdoor lighting associated with the development must achieve the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) comply with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Ecologically Sustainable Development

- D9. Prior to the commencement of operation, evidence of compliance of implementation of the ecologically sustainable development measures required by Condition B1 must be provided to the Certifier.

Parking and Signage

- D10. Prior to the commencement of operation:
- (a) way-finding signage and signage identifying the location of staff car parking must be installed;
 - (b) a bollard must be placed in the shared space of the disabled parking space in accordance with AS 2890.6:2009 *Parking facilities – Off-street parking for people with disabilities*;
 - (c) a minimum of two bicycle spaces are provided on site in accordance with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and located in easy to access, well-lit areas that incorporate passive surveillance; and

- (d) a north facing 'No Exit' sign at the western entry driveway and south facing 'No Entry' sign at the eastern exit driveway must be installed.

Pedestrian Access

- D11. Prior to the commencement of operation, the pedestrian access off James Street should be clearly marked (i.e. painted) on the shared driveway.

Operational Waste Management Plan

- D12. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan in consultation with Council to the satisfaction of the Certifier. The Waste Management Plan must detail the:
- (a) on-site storage location of bins; and
 - (b) arrangements for the pick-up and retrieval of bins.

Site Contamination

- ~~D13. Prior to the commencement of operation, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the educational establishment land use and~~
The approved use of the site must comply with the requirements of the Contaminated Site Validation Report (Ref: 2020233.02-VAL), dated 24 June 2020 and the Long-term Environmental Management Plan (Ref: 2020233-LEMP), dated 17 June 2020 and prepared by Agility Engineering. Copies of these documents are to be provided for the information of the Planning Secretary to Council for information and the Certifier.

(Amended 7 July 2020, SSD-9683 Mod 1)

Landscaping

- D14. Prior to the commencement of operation, the landscaping set out in the Landscaping Plan approved under Condition B2 shall be implemented and the Applicant must submit an Operational Landscape Management Plan to the Planning Secretary, to manage and maintain the landscaping on site. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping in accordance with the Landscaping Plan approved under Condition B2.

Disability Access Audit

- D15. Prior to the commencement of operation, a Disability Access Audit prepared by a suitably qualified person must be submitted to the satisfaction of the Certifier. Any mitigation works recommended by the audit are to be undertaken prior to the commencement of operation to the satisfaction of the Certifier.

Occupation Certificate

- D16. Prior to the commencement of operation, evidence must be provided to the satisfaction of the Certifier that demonstrates that an occupation certificate has been issued for the whole premises.

Fire Safety Certificate

- D17. Prior to the commencement of operation, evidence must be provided to the satisfaction of the Certifier that an annual fire safety statement has been issued in relation to the site and the proposed use of the building.

Notification of Occupation

- D18. At least one week commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing.

PART E POST OCCUPATION

Operation of Plant and Equipment

- E1. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- E2. 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.

Operational Transport and Access Management Plan (OTAMP)

- E3. The OTAMP(s) approved under condition D1 as revised from time to time must be implemented by the Applicant for the life of the development.

Operational Community Communication Strategy

- E4. The Operational Community Communication Strategy approved under condition D2 as revised from time to time must be implemented by the Applicant for the life of the development.

Operational Noise Management Plan (ONMP)

- E5. The ONMP(s) approved under condition D5 as revised from time to time must be implemented by the Applicant for the life of the development.

Unobstructed Driveways and Parking Areas

- E6. 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.

Outdoor Lighting

- E7. Should any 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

- E8. The Applicant must maintain the landscaping on the site in accordance with the approved Operational Landscape Management Plan required by condition D14 for the duration of occupation of the development.

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.

Utilities and Services

AN4. Prior to the alteration of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN5. 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.

SafeWork Requirements

AN6. 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

AN7. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN8. 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.

Fire Safety Certificate

AN9. 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 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 A17 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.