

# Development Consent

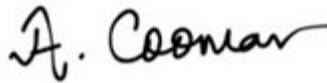
## ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I determine:

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3; and
- (b) that pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979*, any subsequent stage of the development not being for the purpose of erection of a building, or alterations or additions to an existing building, at an existing school with a capital investment value in excess of \$50 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

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.



Aditi Coomar

**Acting Director**

**Social and Infrastructure Assessments**

Sydney

20 October 2023

### **SCHEDULE 1**

<b>Application Number:</b>	SSD-35715221
<b>Applicant:</b>	William Branwhite Clarke College
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	William Clarke College, 10 Morris Grove, Kellyville (Lot 10 DP 1169003)
<b>Development:</b>	Concept development application for the redevelopment of William Clarke College, including: <ul style="list-style-type: none"><li>• A Concept Proposal comprising:<ul style="list-style-type: none"><li>○ three new building envelopes;</li><li>○ envelope for the extension to an existing building;</li><li>○ relocation of waste and recycling compound;</li></ul></li></ul>

- modified and new vehicle areas and car parking, landscaping; and
- increase in student enrolment to 2050 (143 additional).
- Stage 1 works comprising:
  - detailed design and construction of a three-four storey building (Bryson building);
  - relocation of waste and recycling compound;
  - amendments to internal vehicle circulation area and car parking, landscape and tree removal; and
  - increase in student enrolment to 2050 (143 additional).

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	William Branwhite Clarke College or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	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
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 and Schedule 3 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• demolition of Buildings 6 and 7, and ancillary structures;</li> <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 EHG or DPE 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 and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising construction, as modified by the conditions of this consent.

<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EHG</b>	Environment and Heritage Group of the Department of Planning and Environment
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement – Concept Masterplan and Stage 1 Works at William Clarke College, prepared by DFP Planning Pty Limited dated 24 October 2022, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<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 NSW, the Department of Planning and Environment
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: “material harm” is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department’s website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Appendix E of the EIS and Appendix B of the Response to Submissions.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring

<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<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 in document titled Submissions Report prepared by DFP Planning Pty Limited dated 28 June 2023 received in relation to the application for consent for the development under the EP&A Act.
<b>RtS</b>	Response to Submissions
<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>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

**SCHEDULE 2**  
**CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL**  
**PART A ADMINISTRATIVE CONDITIONS**

**Determination of Future Applications**

- A1. In accordance with section 4.22(4) of the EP&A Act all development under the concept proposal must be subject of future development application(s).
- A2. The determination of future development application(s) is to be not inconsistent with the terms of development consent SSD-35715221 as described in Schedule 1 and subject to the conditions in Parts A and B, Schedule 2.

**Terms of Consent**

- A3. 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, Response to Submissions (RtS) and the additional information;
  - (d) in accordance with the approved plans in the table below:

<b>Architectural Plans prepared by <i>PMDL</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA-C02	B	Concept Master Plan	24/5/23
DA-C03	A	Proposed PAC	13/10/22
DA-C04	A	Proposed Tech Workshop	13/10/22
DA-C05	A	Proposed Sports Extension	13/10/22
<b>Landscape Plans prepared by <i>Arterra Landscape Architects</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SD-09	A	Landscape Master Plan	21/7/22

- A4. 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 Schedule 2 condition A4(a) above.
- A5. 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 Schedule 2 condition A3(c) or Schedule 2 condition A3(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 2 condition A3(c) and Schedule 2 condition A3(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

**Limits of Consent**

- A6. This consent lapses five years after the date of consent unless the Stage 1 works, identified in Schedule 1 of this development consent, have physically commenced.
- A7. This approval does not allow any components of the Concept proposal to be carried out without further approval or consent being obtained from the relevant consent authority, except the

'Concurrent Stage 1 works', identified in Schedule 3 of this development and in accordance with the list of plans approved under Schedule 3 condition A2.

### **Planning Secretary as Moderator**

A8. 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.

### **Legal Notices**

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

### **Student and Staff Numbers**

A10. The maximum student and staff population permitted at the school at any one time must not exceed 2050 students (143 additional) and 226 full time equivalent staff.

### **ADVISORY NOTES**

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

## PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

### Maximum Building Envelope Heights and Gross Floor Area Controls

- B1. Future development application(s) associated with the Concept proposal must demonstrate that the maximum building heights for all proposed buildings, within the approved building envelopes in this development consent, comply with the maximum building heights in the architectural plans listed in Schedule 2 condition A3.
- B2. Future development application(s) associated with the Concept proposal must demonstrate that the maximum achievable gross floor area (GFA) for all proposed buildings, within the approved building envelopes in this development consent, do not exceed the maximum GFA as summarised in the following table:

Building Envelopes	Maximum GFA
Bryson Building	6825m <sup>2</sup>
Performing Arts Centre	1500m <sup>2</sup>
Tech Workshop	900m <sup>2</sup>
Sports Extension	1500m <sup>2</sup>
<b>Total</b>	<b>10,725m<sup>2</sup></b>

**Note:** GFA and building height are to be measured in accordance with the definitions under The Hills Local Environmental Plan 2019.

### Built Form and Urban Design

- B3. Future development application(s) associated with the Concept proposal must include:
- detailed plans, elevations and sections;
  - CPTED (as relevant); and
  - a Design Statement demonstrating the design quality of the proposed development and having regard to the existing buildings on the site, character of surrounding development and the design quality principles in Schedule 8 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- B4. Future development application(s) associated with the Concept proposal must include an Access Report, prepared by a suitably qualified consultant, demonstrating that the development achieves an appropriate degree of accessibility in accordance with the Disability (Access to Premises – buildings) Standards 2010.

### Amenity

- B5. Future development application(s) associated with the Concept proposal must include an assessment of amenity impacts including solar access (incorporating detailed overshadowing diagrams) and visual privacy.

### Community Use

- B6. Future development application(s) associated with the Concept proposal must clarify whether there are any new arrangements or change to the existing arrangements for community use of school facilities/infrastructure. Where new or altered arrangements are proposed, details of operational management, use, hours of operation, noise traffic and amenity impacts must be provided.

### Trees and Landscaping

- B7. Future development application(s) associated with the Concept proposal (as relevant) must include an assessment of existing trees, proposed tree retention and removal (including justification), tree significance (including heritage significance), tree replacements, tree protection, consistent with the arboricultural assessment conducted under this development consent and include any additional required management and mitigation measures, as required.
- B8. Future development application(s) associated with the Concept proposal must include a landscape report, prepared by a suitably qualified consultant, and plans including the detailed



design and treatment of all existing and new ground and surface areas around buildings and the relationship of these spaces with existing and proposed buildings, landscaping and trees, spaces, structures and connections.

### **Traffic and Transport**

- B9. Future development application(s) associated with the Concept proposal must be accompanied by a Traffic Impact Assessment (including traffic and parking assessment as relevant to the application), prepared by a suitably qualified consultant, consistent with the assessment conducted under this development consent and include additional mitigation measures, if required.
- B10. Future development application(s) associated with the Concept proposal must include a review and update (where necessary) to the Operational Transport and Access Management Plan for Stage 1 works (Schedule 3 condition E12).
- B11. Future development application(s) associated with the Concept proposal must include a Green Travel Plan (GTP), prepared by a suitably qualified consultant, as an addendum to the most recent version of the GTP established by the Stage 1 works (Schedule 3 condition E11) which identifies opportunities to maximise and encourage sustainable transport choices for future students, staff and visitors.

### **Car and Bicycle Parking**

- B12. Future development application(s) associated with the Concept proposal must demonstrate 314 on-site car parking spaces are provided in accordance with the requirements in Schedule 3 of this development consent.
- B13. Future development application(s) associated with the Concept proposal must provide for 42 covered bicycle spaces for students, 7 bicycle spaces for staff and 6 bicycle spaces for visitors and end-of-trip facilities comprising 7 lockers, 6 showers (3 male and 3 female) and 4 change rooms (2 male and 2 female) in accordance with the latest version of the relevant Australian Standards.

### **Ecologically Sustainable Design and Environmental Performance**

- B14. Future development application(s) associated with the Concept proposal must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the new buildings.
- B15. Future development application(s) associated with the Concept proposal must demonstrate that building(s) achieve a minimum 5- star Green Star Design and As Built rating or an alternative certification process endorsed by the consent authority.
- B16. Future development application(s) (if relevant to an SSD application in the future) associated with the Concept proposal must submit a Net Zero Statement as per the requirement under *State Environmental Planning Policy (Sustainable Buildings) 2022*.

### **Operational Noise and Vibration**

- B17. Future development application(s) associated with the Concept proposal must be accompanied by a Noise and Vibration Impact Assessment, prepared by a suitably qualified consultant, including (but not limited to):
  - (a) a quantitative assessment of the main noise generating sources and activities during operation;
  - (b) information that is generally consistent with Concept Masterplan Noise and Vibration Impact Assessment dated 20 March 2023 prepared by SLR Consulting Australia Pty Ltd; and
  - (c) any management and mitigating measures necessary to ensure the amenity of future sensitive land uses on the site and neighbouring sites is protected during the operation of the development.

### **Operational Waste**

- B18. Future development application(s) associated with the Concept proposal must include an Operational Waste Management Plan, prepared by a suitably qualified consultant, to address

storage, collection, and management of waste and recycling associated with the entire site and that stage of the development.

### **Flooding and Stormwater Assessment**

- B19. Future development application(s) associated with the Concept proposal must be accompanied by a Flood and Stormwater Impact Assessment, prepared by a suitably qualified consultant, including management and mitigation measures and emergency response plan(s) (if required).

### **Archaeology and Aboriginal Cultural Heritage Assessment**

- B20. Future development application(s) associated with the Concept proposal must demonstrate that there are no additional impacts on Aboriginal and non-Aboriginal heritage values of the site, in addition to that assessed in the Aboriginal Archaeological Cultural Heritage Assessment prepared by Tocomwall Pty Ltd dated 5 June 2023.

### **Utilities**

- B21. Future development application(s) associated with the Concept proposal must include a Utility Services Infrastructure Assessment (USIA), prepared by a suitably qualified consultant, which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure. The USIA must be prepared in consultation with relevant agencies and service providers and must also consider any heritage impacts and any impacts on existing trees.

### **Structure**

- B22. Future development application(s) associated with the Concept proposal must include a Structural Report prepared by a suitably qualified consultant that demonstrates the proposal can be constructed in accordance with the Building Code of Australia.

### **Construction Impact Assessment**

- B23. Future development application(s) associated with the Concept proposal must include a Construction Environmental Management Plan, prepared by a suitably qualified consultant, to provide an analysis and assessment of the impacts of construction including (but not limited to):
- (a) Construction Traffic and Pedestrian Management Plan, detailing construction vehicles routes and numbers, hours of construction, impacts on on-going school operations, access arrangements, traffic control measures, pedestrian and cyclist links / routes, independent road safety audits on construction related traffic measures and cumulative construction impacts;
  - (b) Construction Noise and Vibration Management Plan, providing a quantitative assessment of the main noise generating sources and activities during construction, impacts of construction noise on on-going operation of the school and surrounding sensitive receivers and relevant management and mitigation measures to reduce adverse impacts due to construction noise; and
  - (c) Construction Waste Management Plan.

### **Contamination**

- B24. Future development application(s) associated with the Concept proposal for demolition, excavation and/or detailed designs of new / extended buildings must be accompanied by an assessment of potential site contamination, prepared by a suitably qualified consultant, and a Remedial Action Plan (where necessary) to demonstrate compliance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.

**SCHEDULE 3**  
**CONDITIONS OF CONSENT FOR STAGE 1 WORKS**  
**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, Response to Submissions and the additional information;
  - (d) in accordance with the approved plans in the table below:

<b>Architectural Plans prepared by <i>PMDL</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA101	B	Stage 1 Demolition Plan	16/9/22
DA102	B	Stage 1 Site Plan	16/9/22
DA110	B	Stage 1 Plan -Level 0 (Ground)	16/9/22
DA111	B	Stage 1 Plan – Level 1	16/9/22
DA112	B	Stage 1 Plan – Level 2	16/9/22
DA113	B	Stage 1 Plan – Level 3	16/9/22
DA114	B	Stage 1 Plan – Roof	16/9/22
DA210	C	Stage 1 Elevations	24/5/23
DA211	C	Stage 1 Elevations	24/5/23
DA212	C	Stage 1 Elevations	24/5/23
DA310	C	Stage 1 Sections	24/5/23
DA311	C	Stage 1 Sections	24/5/23
DA312	C	Stage 1 Sections	24/5/23
DA313	C	Stage 1 Sections	24/5/23
DA610	B	Stage 1 – Material Selection	16/9/22
DA104	A	End of Trip Facilities	24/5/23
DA-C12	A	Concept Master Plan – EOT Facilities	24/5/23
<b>Landscape Plans prepared by <i>Arterra Landscape Architects</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SD-13	A	Stage 1 – Landscape Ground Level	21/7/22
SD-14	A	Stage 1 – Upper Levels	21/7/22
SD-16	A	Tree Schedule and Character Images	21/7/22
SD-17	A	Stage 1 Pant Schedule & Character Images	21/7/22
SD-18	A	Typical Landscape Details	21/7/22
SD-19	A	Typical Landscape Details	21/7/22
SD-20	A	Typical Landscape Details	21/7/22

- 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 Schedule 3 condition A2(c) or Schedule 3 condition A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 3 condition A2(c) and Schedule 3 condition A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **Limits of Consent**

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. This consent does not permit any increase in primary-aged student population (approved under this consent) prior to the completion of the car park proposed as part of the Stage 1 works and the implementation of the Operational Transport and Access Management Plan (Schedule 3 condition E12).

#### **Student and Staff number**

- A7. The maximum student and staff population permitted at the school at any one time must not exceed 2050 students (143 additional) and 226 full time equivalent staff.

#### **Prescribed Conditions**

- A8. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation as of the date of this consent.

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

- A9. 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**

- A10. 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**

- A11. The project may be constructed and operated in stages in accordance with the terms/conditions of this consent and the details set out in Construction Management Plan dated 26 September 2022 prepared by Rohrig.
- A12. Staging of the proposed development may be varied (for either construction or operation) in accordance with a revised Staging Report submitted to and approved by the Planning Secretary.

- A13. Any revised Staging Report prepared in accordance with Schedule 3 condition A12 must:
- (a) be generally consistent with Construction Management Plan dated 26 September 2022 prepared by Rohrig;
  - (b) 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;
  - (c) 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);
  - (d) specify how compliance with conditions will be achieved across and between each of the stages of the project;
  - (e) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
  - (f) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A14. The project must be staged in accordance with the details approved under Schedule 3 condition A11 unless a revised Staging Report has been approved under Schedule 3 condition A12 in which case the project must be staged in accordance with the approved revised Staging Report.
- A15. The terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage set out in the details as approved under Schedule 3 condition A11 or a revised Staging Report approved under Schedule 3 condition A12, must be complied with at the relevant time for that stage including independent auditing requirements.

### **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.

*Note: Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

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

- A17. 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).
- A18. Any strategy, plan or program prepared in accordance with Schedule 3 condition A17, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

- A19. 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.
- A20. 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.

### **External Walls and Cladding**

- A21. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **External Materials**

- A22. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in Schedule 3 condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
  - (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
  - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

### **Applicability of Guidelines**

- A23. 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.
- A24. 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**

- A25. 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**

- A26. 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 Schedule 3 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, and publicly available for 12 months after the commencement of operations of each of the respective stages (where relevant).

### **Compliance**

A27. 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**

A28. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

A29. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

### **Non-Compliance Notification**

A30. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

A31. 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.

A32. 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**

A33. Within three months of:

- (a) the submission of an incident report under Schedule 3 condition A28;
- (b) the submission of an Independent Audit under Schedule 3 condition D36;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under Schedule 3 condition A2(b) which requires a review,

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

A34. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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



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

### External Walls and Cladding

- B1. Prior to the issue of any relevant construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Drains and MUSIC models

- B2. Prior to the issue of any construction certificate, the Applicant must prepare and submit electronic copies of the Drains and MUSIC models to Council and obtain endorsement, to ensure that the street drainage network can accommodate the development.

### Stormwater catchment plans

- B3. Prior to the issue of any relevant construction certificate for drainage works, the Applicant must prepare and submit stormwater catchment plans to Council and obtain endorsement to ensure that the site accommodates the appropriate upstream catchments.

### Stormwater Management System

- B4. Prior to the issue of any relevant construction certificate, the Applicant must design an operational stormwater management system for the development in accordance with Council's requirements, in consultation with Council and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s) incorporating the results of Drains and MUSIC models in accordance with Schedule 3 condition B2;
  - (b) incorporate details of the endorsed stormwater catchment plans required by Schedule 3 condition B3;
  - (c) be generally in accordance with the conceptual design in the EIS as listed in the following plans:

<b>Civil Works Concept Plan prepared by <i>Birzulis Associates</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
C.03	P4	Soil Erosion and Sediment Control Plan – Stage 1	23/06/22
C.04	P3	Soil Erosion and Sediment Control Details	3/08/22
C.05	P4	Stage 1 – Stormwater Drainage Concept Plan – Overall Site	19/08/22
C.06	P4	Stage 1 – Civil Works Concept Plan – Sheet 01	19/08/22
C.07	P3	Stage 1 – Civil Works Concept Plan – Sheet 02	3/08/22
C.08	P3	Stage 1 – Civil Works Concept Plan – Sheet 03	3/08/22
C.09	P3	Details Sheet 1 - Stormwater	3/08/22
C.10	P3	Details Sheet 2 - Civil	3/08/22
C.11	P3	Details Sheet 3 - Civil	3/08/22

- (d) be in accordance with applicable Australian Standards;
- (e) 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; and
- (f) be approved by the Certifier.

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

- B5. Prior to the issue of any relevant construction certificate for the mechanical plant and equipment:
- (a) a detailed assessment of mechanical plant and equipment with compliance with the recommended project noise trigger levels identified in the Stage 1 Works Noise and Vibration Impact Assessments dated 20 March 2023 and prepared by SLR Consulting Australia Pty Ltd must be undertaken by a suitably qualified person; and
  - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under Schedule 3 condition B5(a) have been incorporated into the design to ensure the development will not exceed the recommended project noise trigger levels identified in the Stage 1 Works Noise and Vibration Impact Assessments dated 20 March 2023 and prepared by SLR Consulting Australia Pty Ltd. Operational Waste Storage and Processing
- B6. Prior to the issue of any relevant construction certificate for waste storage and processing areas, the Applicant must demonstrate and obtain approval from the Certifier, that the design of the relocated operational waste storage area on Morris Grove:
- (a) can accommodate the operational waste requirements specified in the Operational Waste Management plan, prepared by Elephant's Foot dated 9 August 2022;
  - (b) is constructed using solid non-combustible materials;
  - (c) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
  - (d) includes a hot and cold water supply with a hose through a centralised mixing valve;
  - (e) is naturally ventilated or an air handling exhaust system must be in place; and
  - (f) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.
- B7. Prior to the issue of any relevant construction certificate for waste storage and processing areas, the Applicant must demonstrate and obtain approval from the Certifier that the bin carting routes between the school buildings and the central waste collection area comply with the Operational Waste Management plan, prepared by Elephant's Foot dated 9 August 2022.

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

- B8. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to, and approval obtained from the Certifier, that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
  - (b) a minimum of 314 on-site car parking spaces are included for use during operation of the development;
  - (c) 54 new car parking spaces in the Stage 1 primary carpark (out of the 314 car parking spaces) are designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
  - (d) the swept path of the longest vehicle entering and exiting the site (including the waste collection vehicle, being a Heavy Rigid Vehicle) in association with the new work, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2.

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

- B9. Prior to the issue of any relevant construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to and approval obtained from the Certifier:
- (a) the provision of a minimum seven staff and 48 visitor/student bicycle parking spaces outlined in plans listed in Schedule 3 condition A2;

- (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*; and
- (c) the provision of end-of-trip facilities for staff.

### **Geotechnical Report**

B10. Prior to the issue of any relevant construction certificate, evidence must be provided and be approved by the Certifier, demonstrating that the construction certificate plans include the design recommendations of the Geotechnical Investigation prepared by JK Geotechnics dated 8 August 2022.

### **Public Domain Works**

B11. Prior to the issue of any relevant construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

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

### **Roadworks/Intersection works and Access**

B12. Prior to the issue of any relevant construction certificate for roadworks and access, the Applicant must submit design plans to and obtain approval from the relevant roads authority, which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a Heavy Rigid vehicle.

*Note:*

- *Approval must be obtained for roadworks under section 138 of the Roads Act 1993.*
- *All costs associated with the proposed road upgrade works must be borne by the Applicant.*
- *In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section of the 138 Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.*

### **Development Contributions**

B13. Prior to the issue of any construction certificate, a payment of a levy of 1% of the proposed cost of carrying out the Stage 1 development must be paid to Council under section 7.12 of the EP&A Act.

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

### **Notification of Commencement**

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. 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**

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

### **Pre-Construction Dilapidation Report – Protection of Public Infrastructure**

- C4. Prior to the commencement of any construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and Infrastructure 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 Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

### **Pre-Construction Survey – Adjoining Properties**

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential/commercial buildings that are likely to be impacted by the development.
- C6. Where the offer for a pre-construction survey is accepted (as required by Schedule 3 condition C5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by Schedule 3 condition C5, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
  - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

### **Community Communication Strategy**

- C8. No later than two weeks before the commencement of any 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.
- C9. 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.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

### **Demolition**

C10. Prior to the commencement of any relevant 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 Certifier and Planning Secretary.

### **Ecologically Sustainable Development**

C11. Prior to the commencement of any relevant construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

- (a) registering for a minimum 5-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
- (b) seeking approval from the Planning Secretary for an alternative certification process.

### **Outdoor Lighting**

C12. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Environmental Management Plan Requirements**

C13. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

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

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

### **Construction Environmental Management Plan**

C14. Prior to the commencement of any construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must be generally consistent with the document Construction Management Plan dated 26 September 2022 prepared by Rohrig and include, but not be limited to, the following:

- (a) Details of:
  - (i) hours of work;
  - (ii) 24-hour contact details of site manager;
  - (iii) management of dust and odour to protect the amenity of the neighbourhood;
  - (iv) groundwater management plan including measures to prevent groundwater contamination;

- (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (vi) community consultation and complaints handling as set out in the Community Communication Strategy required by Schedule 3 condition C8;
  - (vii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (viii) flood emergency procedures during construction works;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see Schedule 3 condition C16);
  - (c) Construction Noise and Vibration Management Sub-Plan (see Schedule 3 condition C17);
  - (d) Construction Soil and Water Management Sub-Plan (see Schedule 3 condition C18);
  - (e) an unexpected finds protocol for contamination and associated communications procedure;
  - (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (g) 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.
- C15. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C16. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be consistent with the Section 9 - Construction Pedestrian and Traffic Management Plan Methodology (Stage 1) in the Traffic Impact Assessment prepared by Ptc dated 27 June 2023;
  - (c) be prepared in consultation with Council and TfNSW;
  - (d) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
  - (e) detail heavy vehicle routes, access and parking arrangements.
- C17. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) be consistent with recommendations in Stage 1 Works Noise and Vibration Impact Assessments dated 20 March 2023 and prepared by SLR Consulting Australia Pty Ltd;
  - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (e) include strategies that have been developed with the community for managing high noise generating works;
  - (f) describe the community consultation undertaken to develop the strategies in Schedule 3 condition C17(e);
  - (g) include a complaints management system that would be implemented for the duration of the construction; and
  - (h) 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 Schedule 3 condition C13.

- C18. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the site);
  - (d) detail all off-site flows from the site; and
  - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, 1 in 5-year ARI and 1 in 100-year ARI).
- C19. Prior to the commencement of any construction a Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

#### **Unexpected Contamination Procedure**

- C20. Prior to the commencement of any construction, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. 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.

#### **Construction Parking**

- C21. Prior to the commencement of any construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

#### **Site Contamination**

- C22. Prior to the commencement of any construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.
- C23. Prior to the commencement of any construction (including demolition works), the Applicant must
- (a) undertake works recommended in the Preliminary Site Investigation Concept Plan and Stage 1 prepared by Eiaustralia dated 29 May 2023, including, but not limited to:
    - (i) a hazardous material survey, completed by a suitably qualified consultant, to confirm the presence / location of any hazardous materials within the existing building fabrics; and
  - (b) provide a copy of the report to the Certifier, for information.

#### **Flood Management**

- C24. Prior to the commencement of any construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
  - (b) evacuation and refuge protocols.

## PART D DURING CONSTRUCTION

### Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
  - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
  - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, 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
  - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- D2. 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

- D3. 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 Schedule 3 condition C10.
- D4. Upon completion of the demolition works of the car park (including removal of the surface), the Applicant must submit to the Certifier, for information;
- (a) an asbestos clearance inspection and certificate, prepared and signed by a suitability qualified professional (SafeWork NSW Licensed Asbestos Assessor) (if asbestos is found); and
  - (b) a statement confirming that a suitably qualified consultant has conducted inspection of the exposed surfaces.

### Construction Hours

- D5. 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.

- D6. Construction activities may be undertaken outside of the hours in Schedule 3 condition D5 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.

- D7. Notification of such construction activities as referenced in Schedule 3 condition D6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- D8. 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**

D9. 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**

D10. All construction 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 or an approved on-street work zone before stopping.

### **Hoarding Requirements**

D11. 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**

D12. 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**

D13. 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 CNVMSP required by Schedule 3 condition C17.

D14. 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 Schedule 3 condition D5 unless approved by Schedule 3 condition D6.

D15. 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**

D16. 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).

D17. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Schedule 3 condition D16.

D18. The limits in Schedule 3 condition D16 and Schedule 3 condition D17 apply unless otherwise outlined in a CNVMSP required by Schedule 3 condition C17.

### **Tree Protection**

D19. 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 / property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, 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 the recommendations of the Arboricultural Impact Assessment Report – Stage 1 prepared by Arterra dated 15 July 2022; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

### **Air Quality**

D20. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D21. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (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**

D22. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP required by Schedule 3 condition C18.

### **Imported Fill**

D23. The Applicant must:

- (a) all soil materials designed for off-site disposal as part of the development, including any virgin excavated natural material, are pre-classified in accordance with EPA Waste Classification Guidelines (2014);
- (b) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
- (c) keep accurate records of the volume and type of fill to be used; and
- (d) make these records available to the Certifier upon request.

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

D24. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

### **Emergency Management**

D25. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

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

- D26. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
  - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
  - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
  - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
  - (e) works may only recommence with the written approval of the Planning Secretary.

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

- D27. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
  - (b) 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 as determined in consultation with Heritage NSW; and
  - (c) works may only recommence with the written approval of the Planning Secretary.

### **Unexpected Finds Protocol – Burials**

- D28. In the event that a burial or skeletal remains are uncovered during work, then:
- (a) all works must cease immediately in that area and the NSW Police and Heritage NSW contacted;
  - (b) a suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains;
  - (c) the Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains; and
  - (d) works may only recommence with the written approval of Heritage NSW.

### **Waste Storage and Processing**

- D29. 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.
- D30. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D31. 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.
- D32. 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.
- D33. 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**

- D34. 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**

- D35. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D36. 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.
- D37. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 weeks' notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- D38. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under Schedule 3 condition D35 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 of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- D39. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- D40. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

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

### **Notification of Occupation**

- E1. At least one month before the issue of any relevant occupation certificate, 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**

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

### **Post-Construction Dilapidation Report – Protection of Public Infrastructure**

- E4. Prior to the issue of any occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by Schedule 3 condition C4 of this consent;
  - have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
  - be submitted to the Certifier;
  - be forwarded to Council for information; and
  - be provided to the Planning Secretary when requested.

### **Repair of Public Infrastructure**

- E5. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
  - relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - pay compensation for the damage as agreed with the owner of the public infrastructure.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.*

### **Road Damage**

- E6. Prior to the issue of any relevant occupation certificate, 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.

### **Post-Construction Survey – Adjoining Properties**

- E7. Where a pre-construction survey has been undertaken in accordance with Schedule 3 condition C6, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:

- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with Schedule 3 condition C6;
  - (b) be provided to the owner of the relevant buildings surveyed;
  - (c) be provided to the Certifier; and
  - (d) be provided to the Planning Secretary when requested.
- E8. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

### **Utilities and Services**

- E9. Prior to the issue of any relevant occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### **Works as Executed Plans**

- E10. Prior to the issue of any relevant occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

### **Green Travel Plan**

- E11. Prior to the first increase in student population or the first occupation certificate (whichever occurs earlier), a Green Travel Plan (GTP), must be submitted to and approval obtained from 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) be consistent with the School Transport Plan prepared by ptc dated 25 July 2023;
  - (c) 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;
  - (d) include specific tools and actions to help achieve the objectives and mode share targets submitted in the School Transport Plan prepared by ptc dated 25 July 2023;
  - (e) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (f) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

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

- E12. Prior to the issue of the occupation certificate for the carpark forming part of the Stage 1, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council and TfNSW, and submitted to the satisfaction of the Planning Secretary. The OTAMP must be consistent with Operational Traffic and Access Management Plan prepared by ptc dated 6 June 2023 and address the following (including but not limited to):
- (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 primary school car park, bus bay and Morris Grove, including staff management/traffic controller arrangements;
- (d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations along bus bay on Morris Grove and Wrights Road, including staff management/traffic controller arrangements;
- (e) delivery and services vehicle and bus access and management arrangements;
- (f) management of approved access arrangements;
- (g) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking in primary school car park off Wrights Road;
- (h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (i) a monitoring and review program.

### **Mechanical Ventilation**

E13. Prior to the issue of any relevant occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

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

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

E14. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence to the Certifier that all acoustic treatments, as required by Schedule 3 condition B5 have been incorporated in the design of mechanical plant and equipment and the components of the buildings, to ensure the development will not exceed the project specific noise criteria identified in the Stage 1 Works Noise and Vibration Impact Assessment dated 20 March 2023 and prepared by SLR Consulting Australia Pty Ltd.

### **Operational Noise Management Plan**

E15. Prior to the issue of any relevant occupation certificate, the Applicant must:

- (a) prepare an Operational Noise Management Plan for the Bryson Building, incorporating the recommendations of Stage 1 Works Noise and Vibration Impact Assessment dated 20 March 2023 and prepared by SLR Consulting Australia Pty Ltd; and
- (b) submit the Operational Noise Management Plan for each operational stage to and obtain approval of the Planning Secretary.

### **Car Parking, Service Vehicles and Bi-cycle parking Arrangements**

E16. Prior to the issue of any relevant occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to and approval obtained from the Certifier, which demonstrates that:

- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with Schedule 3 condition B8 and Schedule 3 condition B9;
- (b) appropriate pedestrian and cyclist advisory signs are to be provided;
- (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
- (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
- (e) end-of-trip facilities for staff are provided.

### **Fire Safety Certification**

- E17. Prior to the issue of any relevant occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

- E18. Prior to the issue of any relevant occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier for approval. 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 Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Stormwater Quality Management Plan**

- E19. Prior to the issue of any relevant occupation certificate, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to and approval obtained from the Certifier along with evidence of compliance with the SOMP. The SOMP 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.

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

- E20. Prior to the issue of any relevant occupation certificate the Applicant must demonstrate that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) 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**

- E21. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Signage**

- E22. Prior to the issue of any relevant occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E23. Prior to the issue of any relevant occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

### **Operational Waste Management Plan**

- E24. Prior to the issue of any relevant occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:



- (a) be consistent with Operational Waste Management Plan (Rev E) prepared by Elephants Foot dated 9 August 2022;
- (b) include details of the central waste collection area, individual waste collection areas for the proposed buildings and carparks as part of the Stage 1 works;
- (c) include details of the bin carting routes consistent with Schedule 3 condition B7;
- (d) include details of waste collection vehicles and frequency;
- (e) detail the type and quantity of waste to be generated during operation of the development;
- (f) 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); and
- (g) detail the materials to be reused or recycled, either on or off site.

### Landscaping

- E25. Prior to the issue of any relevant occupation certificate, landscaping of the site must be completed in accordance with landscape plan(s) listed in Schedule 3 condition A2(d).
- E26. Prior to the issue of any relevant occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
  - (b) be approved by the Certifier.

### Operational Flood Emergency Management Plan

- E27. Prior to the issue of the occupation certificate for Bryson Building, a final Flood Emergency Management Plan (FEMP) must be submitted to the Certifier that:
- (a) is consistent with the Flood Emergency Response Plan prepared by WMS Engineering dated 18 September 2023;
  - (b) has been prepared by a suitably qualified and experienced person(s);
  - (c) has been prepared noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;
  - (d) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);
  - (e) incorporates the following:
    - (i) the flood emergency management protocols for operational phase of the development;
    - (ii) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students and visitors;
    - (iii) details strategies such as early or pre-emptive school closure, and other management requirements where relevant and where consistent with SES advice;
    - (iv) details of assembly points and flood free routes where required (such as routes via the pedestrian gate at Cormack Crescent);
    - (v) maps of the evacuation routes;
    - (vi) details of the proposed shelter-in-place strategy;
    - (vii) clear emergency management triggers and responses;
    - (viii) details of flood warning time and flood notification; and
    - (ix) clear roles and responsibilities for emergency flood management within the school;
  - (f) recognises that NSW SES is the lead combat agency for floods and state that any flood response directive issued by the SES must be followed;
  - (g) provides clear messaging and communication protocols including clear requirements that the Plan be regularly reviewed;

- (h) includes details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members; and
  - (i) includes a monitoring and review program.
- E28. A copy of the final Flood Emergency Management Plan (required by Schedule 3 condition E27) must be:
- (a) peer-reviewed and endorsed by a suitably qualified engineer confirming that FEMP complies with requirements of Schedule 3 condition E27;
  - (b) approved by the Certifier;
  - (c) published on the Applicant's website at all times (the most recent version); and
  - (d) provided to the Planning Secretary for information, within 7 days of request.

### **Site Contamination**

- E29. Prior to the issue of any relevant occupation certificate, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan (if required by the Site Auditor). The Section A1 or A2 Site Audit Statement must verify the relevant part of the site (as part of the Stage 1 works) is suitable for the intended land use and be provided, along with any Environmental Management Plan (if required by the Site Auditor) to the Planning Secretary and the Certifier.

## PART F POST OCCUPATION

### Out of Hours Event Management Plan

- F1. Prior to the commencement of the first out of hours events (school use) run by the school within the proposed Bryson Building 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 for information.. The plan must be made publicly available on the school's website at least one week prior to the event and include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the Bryson Building restricting use before 8am and after 10pm, , as well as ensuring that attendees of events have left the school site before 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 to ensure compliance with *Noise Policy for Industry (2017)* or any latest version.
- F2. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.

### Operation of Plant and Equipment

- F3. 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

- F4. 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

- F5. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

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

- F6. The OTAMP(s) approved under Schedule 3 condition E12 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### Operational Noise Limits

- F7. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Stage 1 Works Noise and Vibration Impact Assessment dated 20 March 2023 and prepared by SLR Consulting Australia Pty Ltd.
- F8. The Applicant must undertake short term noise monitoring:
- (a) carried out within 4 months of commencement of use of the proposed buildings and associated open spaces approved by this development consent;
  - (b) carried during school term during operational hours on a typical school day(s); and
  - (c) undertaken by an appropriately qualified person in accordance with the Noise Policy for Industry (EPA, 2017) or any latest version where valid data is collected.
- F9. The resultant monitoring report prepared by the appropriately qualified person must be submitted to the Planning Secretary within 5 months of commencement of use of the proposed buildings and the associated open spaces to verify that operational noise levels do not exceed

the recommended noise levels for mechanical plant identified in the Stage 1 Works Noise and Vibration Impact Assessment dated 20 March 2023 and prepared by SLR Consulting Australia Pty Ltd.

- F10. Should the noise monitoring program required by Schedule 3 condition F9 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 when measured at the affected noise sensitive receivers or provide attenuation measures at the affected noise sensitive receivers.

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

- F11. 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**

- F12. The Green Travel Plan required by Schedule 3 condition E11 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

#### **Ecologically Sustainable Development**

- F13. 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 5 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under Schedule 3 condition C11, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

#### **Outdoor Lighting**

- F14. Notwithstanding Schedule 3 condition D34, 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**

- F15. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by Schedule 3 condition E26 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 \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

### Legal Notices

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

### Access for People with Disabilities

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

### Utilities and Services

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

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

### Road Design and Traffic Facilities

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

### Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### Hoarding Requirements

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

### Handling of Asbestos

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

### Speed limit authorisation

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

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

- (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**

AN13. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

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

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Schedule 3 condition A28 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.