

# Review of Environmental Factors

## Decision Statement

### Jindabyne Education Campus Temporary Access Road

Table 1: REF Details

|                              |   |
|------------------------------|---|
| Document Name                | Jindabyne Education Campus – REF 3 – Temporary Access Road to the Jindabyne Education Campus  |
| REF Date                     | 27 November 2024  |
| REF Version No.              | 2   |
| Summary of Proposed Activity | <p>The proposal provides a temporary access road to the Jindabyne Education Campus whilst the suite of improvements to existing road infrastructure along Barry Way are under construction. Specifically, the proposed works include:</p> <ul style="list-style-type: none"><li>• construction of a temporary access road from Barry Way to the Jindabyne Education Campus, comprising the following components:<ul style="list-style-type: none"><li>○ left-turn only deceleration lane on Barry Way</li><li>○ one-way, southbound access road through Lot 14 DP1035279</li><li>○ temporary connection into the school’s internal road on Lot 1 DP1294413 (known as Education Road)</li></ul></li><li>• associated construction works including:<ul style="list-style-type: none"><li>○ tree removal</li><li>○ earthworks</li></ul></li><li>• ancillary stormwater infrastructure</li><li>• ancillary signage and line marking</li><li>• decommissioning of the temporary access road following the completion of the Barry Way roadworks including make good works</li></ul> <p>In addition, a pedestrian and cycle path will be constructed as exempt development and therefore, does not form part of this REF. Nonetheless, owner’s consent is sought for the pathway.</p> <p>It is noted that DoE will construct pedestrian and cyclist facilities (‘pedestrian pathway’) within the project area to provide access from Jillamatong Road to Jindabyne Education Campus. These works are exempt under section 2.113 of the <i>State Environmental Planning Policy (Transport and Infrastructure 2021)</i> and therefore do not form part of the REF. Nonetheless, to ensure comprehensive assessment, the impacts of these works form part of the assessment.</p> |

|                                      |  |
|--------------------------------------|--|
| <b>REF Prepared by</b>               | Mecone Group Pty Ltd (Chris Shannon)   |
| <b>Reviewing Officer Endorsement</b> | <p>I certify that I have reviewed and endorsed the contents of the REF document and this Decision Statement and, to the best of my knowledge, it is in accordance with the EP&amp;A Act, the EP&amp;A Regulation and the Guidelines approved under section 170 of the EP&amp;A Regulation and the information it contains is neither false nor misleading.</p> <p>Lincoln Lawler<br/> <b>Director, Statutory Planning and Heritage</b></p> |

The Review of Environmental Factors (REF) has been assessed and considered in accordance with the requirements of sections 1.7, 5.5, 5.7 and 5.10 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In considering the activity, the Department of Education (DoE) has examined and taken into account to the fullest extent possible, all matters affecting or likely to affect the environment arising from the activity, as addressed in the REF including any necessary mitigation or management measures.

The REF is supported by specialist investigations and studies that have assessed the following key impacts:

- traffic management during construction,
- tree removal and ecology,
- noise and vibration,
- civil works and stormwater,
- Aboriginal and non-Aboriginal heritage, and
- construction activities and construction management.

This determination is made following a consideration of the matters in sections 1.7, 5.5, 5.7 and 5.10 of the EP&A Act, section 171 and section 171A of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF has considered the potential impacts arising from the proposal, including any impacts on critical habitat and threatened species, populations and ecological communities and their habitats in accordance with Part 7 of the *Biodiversity Conservation Act 2016*. The REF has also assessed the need for referral to the Commonwealth Minister for the Environment under the *Environment Protection and Biodiversity Act 1999* (EPBC Act).

As an authorised person on behalf of DoE who did not prepare the REF, I discharge the duty as a determining authority under section 5.1 of the EP&A Act and conclude that based on the REF document and other information provided:

- the proposed activity is not likely to have a significant impact on the environment and therefore an Environmental Impact Statement is not required;
- the proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values, meaning a Species Impact Statement and/or Biodiversity Development Assessment Report is not required;

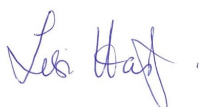
- (iii) the proposed activity may proceed as:
  - it seeks to avoid tree removal where possible and will enable the school to commence operations prior to completion of the permanent Barry Way roadworks.
  - impacts have been adequately addressed and assessed in the REF and are able to be mitigated.
  - the proposal is temporary in nature and the site will be remediated following completion of the permanent Barry Way roadworks and decommissioning of the temporary access road.
- (iv) mitigation measures are required to eliminate, minimise or manage environmental impacts and have been addressed by the REF author at Appendix 1 of the REF and endorsed by the reviewing officer at **Attachment 1** of this Decision Statement; and
- (i) the proposed activity is not likely to have a significant impact on matters of national environmental significance, or on the environment of Commonwealth land, and therefore referral to the Minister under the EPBC Act is not required.

Having regard to the above, the proposal as described in the REF within the Barry Way Road reserve and 163 Barry Way Road (Lot 1 in DP 1294413 and Lot 14 in DP1035279) is **APPROVED** on behalf of DoE and may proceed without the need for further assessment, subject to compliance with and implementation of the following:

1. The signed REF and associated appendices;
2. The Requirements and Mitigation Measures, included as **Attachment 1** of this statement; and
3. All relevant statutory requirements, including approvals, licences, notifications, permits, authorisations and owner's consent.

Reason: Required to prevent, minimise and/or offset adverse environmental impacts and to fulfill statutory requirements for REFs.

Note: Any aspect of the Proposal which does not comply with the specified mitigation measures, conditions of approval and any other relevant statutory requirement is in breach of this determination.



**Lisa Harrington**  
A/Deputy Secretary, School Infrastructure  
Department of Education

# Attachment 1

## Requirements and Mitigation Measures



# **REVIEW OF ENVIRONMENTAL FACTORS – MITIGATION MEASURES**

## **Jindabyne Education Campus**

### **REF 3 – Temporary Access Road to the Jindabyne Education Campus**

Version Date: 27/11/2024

# Document Control

Version Date: 27/11/2024

## Version History

| Version | Date             | Description | Prepared by     | Approved by   |
|---------|------------------|-------------|-----------------|---------------|
| 1       | 27 November 2024 | REF 3       | Benjamin Frasco | Chris Shannon |



# Part A – General Measures

## 1. Obligation to Prevent Impacts to The Environment

In addition to meeting all of the conditions/mitigation measures in this determination, all reasonable and feasible measures should be implemented to prevent impacts to the environment that may result from the construction and on-going operation of the approved activity.

## 2. Development in Accordance with Plans and Documentation

The activity must be carried out in accordance with the REF dated 27 November 2024 prepared by Mecone Group Pty Ltd, in accordance with the approved plans, and generally in accordance with the supporting documentation, except where a condition/mitigation measure expressly requires otherwise:

| Table 1: Approved Plans and Supporting Documentation   |           |  |           |
|--|-----------|--|-----------|
| <b>Approved Plans</b>  |           |  |           |
| <i><b>Note:</b> The approved plans relate only to the project boundaries as described in the REF Report.</i>   |           |  |           |
| <i><b>Note:</b> The pedestrian path shown in light blue is an exempt development and is not approved under this REF in accordance with section 5.1(i) of the Environmental Planning and Assessment Act 1979. Nonetheless, the REF and supporting documentation assess the impacts of the pedestrian path for completeness noting its central location within the works area.</i> |           |  |           |
| Civil Plans prepared by Northrop   |           |  |           |
| Plan No.   | Plan Rev. | Plan Name  | Plan Date |
| NRP-CEC-CC-TMP-DWG-0001  | 04        | Coversheet, Drawing Schedule and Locality Plan   | 06.11.24  |
| NRP-CEC-CC-TMP-DWG-0111  | 04        | Specification Notes - Sheet 1                    | 06.11.24  |
| NRP-CEC-CC-TMP-DWG-0112  | 04        | Specification Notes - Sheet 2                    | 06.11.24  |
| NRP-CEC-CC-TMP-DWG-0201  | 04        | General Arrangement Plan                         | 06.11.24  |
| NRP-CEC-CC-TMP-DWG-0301  | 04        | Sheet Layout                                     | 06.11.24  |
| NRP-CEC-CC-TMP-DWG-0701  | 04        | Sediment and Soil Erosion Control Plan - Sheet 1 | 06.11.24  |
| NRP-CEC-CC-TMP-DWG-0702  | 04        | Sediment and Soil Erosion Control Plan - Sheet 2 | 06.11.24  |
| NRP-CEC-CC-TMP-DWG-0715  | 04        | Sediment and Soil Erosion Control Details        | 06.11.24  |

**Table 1: Approved Plans and Supporting Documentation**

|                                |    |                                       |          |
|--------------------------------|----|---------------------------------------|----------|
| <b>NRP-CEC-CC-TMP-DWG-0801</b> | 02 | Bulk Earthworks Plan - Sheet 1        | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-0802</b> | 02 | Bulk Earthworks Plan - Sheet 2        | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-1101</b> | 04 | Typical Road Cross Sections - Sheet 1 | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-1105</b> | 04 | Road Alignment Control Plan - Sheet 1 | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-1106</b> | 04 | Road Alignment Control Plan - Sheet 2 | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-1112</b> | 04 | Siteworks & Stormwater Plan - Sheet 2 | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-1113</b> | 04 | Siteworks & Stormwater Plan - Sheet 3 | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-1114</b> | 04 | Siteworks & Stormwater Plan - Sheet 4 | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-1115</b> | 04 | Siteworks & Stormwater Plan - Sheet 5 | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-2101</b> | 04 | Road Longitudinal Section - Sheet 1   | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3101</b> | 04 | Cross Sections - Sheet 1              | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3102</b> | 04 | Cross Sections - Sheet 2              | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3103</b> | 04 | Cross Sections - Sheet 3              | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3104</b> | 04 | Cross Sections - Sheet 4              | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3105</b> | 04 | Cross Sections - Sheet 5              | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3106</b> | 04 | Cross Sections - Sheet 6              | 06.11.24 |



**Table 1: Approved Plans and Supporting Documentation**

|                                 |    |  |          |
|---------------------------------|----|--|----------|
| <b>NRP-CEC-CC-TMP-DWG-3107</b>  | 04 | Cross Sections - Sheet 7                             | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3108</b>  | 04 | Cross Sections - Sheet 8                             | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3109</b>  | 04 | Cross Sections - Sheet 9                             | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3302</b>  | 04 | Kerb Alignment Plan & Kerb Return Profiles – Sheet 2 | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-3303</b>  | 03 | Kerb Alignment Plan & Kerb Return Profiles – Sheet 3 | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-5101</b>  | 03 | Stormwater Longitudinal Section - Sheet 1            | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-6101</b>  | 04 | Pavement Plan - Sheet 1                              | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-6102</b>  | 04 | Pavement Plan - Sheet 2                              | 06.11.24 |
| <b>NRP-CEC-TMP-TMP-DWG-7101</b> | 04 | Signage Linemarking Plan - Sheet 1                   | 06.11.24 |
| <b>NRP-CEC-TMP-TMP-DWG-7102</b> | 04 | Signage Linemarking Plan - Sheet 2                   | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-8101</b>  | 04 | Turning Path Plan - Sheet 1                          | 06.11.24 |
| <b>NRP-CEC-CC-TMP-DWG-9150</b>  | 04 | Details - Sheet 1                                    | 06.11.24 |

**Supporting Documents**

*Civil Engineering Design Statement prepared by Northrop dated 06/11/2024*

*Civil Engineering Design Certificate prepared by Northrop dated 06/11/2024*

*Sediment and Erosion Control Management Report prepared by Northrop dated 06/11/2024*

*Aboriginal Heritage Due Diligence Assessment prepared by NGH dated 04/11/2024*

*Arboricultural Impact Assessment prepared by Eco Logical Australia dated 05/11/2024*

**Table 1: Approved Plans and Supporting Documentation**

|  |
|--|
| <i>Flora and Fauna Assessment Report prepared by Biosis dated 27/11/2024</i>                           |
| <i>Preliminary Site Investigation prepared by JBS&amp;G dated 04/11/2024</i>                           |
| <i>Statement of Heritage Impact prepared by NGH dated 04/11/2024</i>                                   |
| <i>Interim Access Road Transport Engineering Statement prepared by Navianto Group dated 13/11/2024</i> |
| <i>Draft Construction Environmental Management Plan prepared by Hansen Yuncken dated 26/11/2024</i>    |
| <i>Construction Noise and Vibration Management Plan prepared by PWNA dated 12/11/2024</i>              |
| <i>Construction Traffic Management Plan prepared by PDC Consultants dated 13/11/2024</i>               |
| <i>Waste Management Plan prepared by Waste Audit GFA Consulting Group dated November 2024</i>          |

In the event of any inconsistency between the approved plans and a condition/mitigation measure, the condition/mitigation measure prevails. In the event of any inconsistency between the supporting documents and the approved plans, the approved plans prevail.

### 3. Copies of Approved Plans and Conditions/Mitigation Measures To Be Kept On-site

A copy of the approved plans and conditions/mitigation measures must be kept at an appropriate location on-site where the works are taking place and must be available for inspection on request.

### 4. Crown Certificate

If required by the Crown Certifier, a Crown Certificate under Section 6.28 of the *Environmental Planning and Assessment Act 1979* is to be obtained prior to any work commencing.

### 5. Approvals

These conditions/mitigation measures, approved plans and supporting documents do not remove any obligation to obtain all other licences, permits, approvals and land owners consents from all relevant authorities and land owners as required under any other legislation. The terms and conditions of such licences, permits, approvals and permissions must be complied with at all times. A copy of all approvals is to be provided to the Crown Certifier and relevant DOE Project Director.

### 6. Land Owner's Consent

Prior to the commencement of any work, land owner's consent must be obtained in writing for any works.

### 7. Access Deed

Prior to the commencement of any work, an Access Deed between the Regional Growth NSW Development Corporation and the NSW Department of Education applying to Lot 14 DP 1035279 must be executed by both parties.

*Note: This mitigation measure has been applied in accordance with the terms of the Land Owner's Consent letter from the Regional Growth NSW Development Corporation dated 2 October 2024.*

### 8. Works In The Road Reserve

Prior to the commencement of work within the Barry Way road reserve, approval under Section 138 of the *Roads Act 1993* is to be obtained from the relevant road authority. Any work in the road reserve, including a road opening permit for temporary construction access, requires Section 138 approval. Where there is a conflict between the traffic

management measures proposed under this REF and the traffic management measures required under the Section 138 approval, then the Section 138 approval prevails.

## 9. Works In The Road Reserve - Demolition

Prior to the demolition of the temporary road approved under this REF, approval under Section 138 of the *Roads Act 1993* is to be obtained from the relevant road authority. Any work in the road reserve, including a road opening permit for temporary construction access, requires Section 138 approval. Where there is a conflict between the traffic management measures proposed under this REF and the traffic management measures required under the Section 138 approval, then the Section 138 approval prevails.

## 10. Amendment Tracking

Where a minor amendment to a plan approved under condition/mitigation measure 2 or an amendment to an approved condition/mitigation measure forming part of this REF determination to correct a typo is required, an amendment register for the REF must outline the proposed amendment, demonstrate the need for the proposed amendment and demonstrate why the proposed amendment is considered to be substantially the same as the approved REF.

If amending a plan approved under condition/mitigation measure 2, the amendment register must also outline how the environmental impacts of the proposed amendment have already been considered and how it will reduce the overall environmental impact of the approved REF. Each amendment is required to be endorsed by a member of the DOE Statutory Planning team, the relevant DOE Project Director and the Crown Certifier.

## 11. Compliance With Conditions/Mitigation Measures

All relevant personnel, including contractors and their subcontractors must be made aware of these conditions/mitigation measures and the requirement to undertake the works as per these conditions/mitigation measures in accordance with the plans and documentation outlined in condition/mitigation measure 2.

## 12. Non-Compliance Notification

The relevant DOE Project Director must be notified as soon as practical when any non-compliance with a condition/mitigation measure is identified. The notification should identify the relevant works, set out the condition/mitigation measure that works are non-compliant with, the way in which it does not comply, any known reasons for the non-compliance and what actions have been, or will be undertaken, to address the non-compliance.

## 13. National Construction Code

All building work is to be undertaken in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2, as relevant.

## 14. Access for People with Disabilities

All works must be designed and constructed to provide access and facilities for people with a disability in accordance with the EFSG (or provide evidence of EFSG departure approval by DOE), National Construction Code. Prior to the issue of a Crown Completion Certificate, the Crown Certifier must ensure that evidence of compliance with this condition from a suitably qualified person is provided.

## 15. Long Service Levy

A Crown Certificate must not be issued unless the Crown Certifier is satisfied that the required levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid. The levy must be paid by the person liable, as specified in Section 38 of the *Building and Construction Industry Long Service Payments Act 1986*.

## 16. Demolition

Any demolition work must be undertaken in accordance with the provisions of Australian Standard AS 2601-2001 The Demolition of Structures.

## 17. Erosion and Sediment Control

Erosion and sediment controls must be implemented in accordance with the Landcom/Department of Housing *Managing Urban Stormwater, Soils and Construction Guidelines* (Blue Book) prior to work commencing. The controls must be in place, inspected and managed until the works are complete and all exposed erodible materials are stable. Inspection records must be kept and provided on request.

## 18. Structural Adequacy

All new buildings and structures, and any alterations or additions to existing buildings and structures, must be constructed in accordance with the relevant requirements of the National Construction Code.

## 19. Imported Fill Material

Imported fill material must be compatible with the existing soil characteristics of the site and limited to the following:

- a. Virgin excavated natural material (VENM); and/or
- b. Excavated natural material (ENM) certified as such in accordance with *Protection of the Environment Operations (Waste) Regulation 2014*; and/or
- c. Material subject to a Waste Exemption under Clause 91 and Clause 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the works under the REF.

Certificates proving that the imported fill material complies with these requirements must be provided to the Crown Certifier and the relevant DOE Project Director prior to filling works.

## 20. Survey Plan

Prior to commencement of construction, a survey plan must be prepared for the project area and provided to DOE Statutory Planning for information.

### 20A Cumulative impact with HV REF

If works under the HV REF as defined in section 2.13 of the REF Report recommence, works under this REF must cease until the HV REF works are completed or paused, unless combined traffic and noise impacts are at or below the maximum impacts assessed under the REF.

Note, maximum predicted noise levels are identified within Table 14 of the REF Report and traffic generation rates are identified at Table 2 of the Construction Traffic Management Plan prepared by PDC consultants dated 13 November 2024.

# Part B - Prior To Commencement Of Any Construction Work

**Note:** The following conditions/mitigation measures are to be complied with prior to the commencement of any construction work.

## 21. Independent Audits

Prior to the commencement of any construction work, a program of independent audits must be prepared for the work, having regard to the *Independent Audit Post Approval Requirements 2020* (published on the Department of Planning and Environment website) and AS/NZS ISO 19011-2019 Guidelines for Auditing Management Systems. Audits are to be undertaken by suitably qualified personnel independent to the works and documented in an audit report which:

- a. Assesses how the conditions/mitigation measures under each Part of the determination are being satisfied;
- b. Outlines the adequacy of any documents required under the conditions/mitigation measures;
- c. Outlines the performance of the works with respect to any impacts on the surrounding environment including the local community; and
- d. Recommends any measures or actions to improve the performance of the works, if deemed required.

The independent audit report is to be provided to the relevant DOE Project Director.

## 22. Works Notification

Prior to the commencement of any construction work, Council and the occupiers of any land within a minimum of 80 metres of the site boundaries, and the sensitive receivers identified in the Construction Noise and Vibration Management Plan must be notified in writing of the project. The notice must outline the works to be undertaken, the expected timing for commencement and expected timing for completion of construction works. A minimum period of 48 hours notification prior to the commencement of any construction work shall be given.

## 23. Site Notice Board

Prior to the commencement of any construction work, a site notice board must be located at eye level at an appropriate location at the site in a prominent position for the benefit of the community. The site notice must be displayed throughout the entire construction period, be A1 sized, durable, weatherproof and include the following information:

- a. 24-hour contact person for the site;
- b. Telephone and email addresses;
- c. Site works and timeframes; and
- d. Details of where accessible project information can be sourced.

## 24. Complaints Handling

Prior to commencement of any construction work, a Complaints Register is to be developed to record the details of all complaints received and the means of resolution of those complaints. The Complaints Register shall be made available on request. On receiving a complaint, it is to be recorded and provided to the relevant DOE Project Director and reviewed to determine whether issues relating to the complaint can be resolved, avoided or minimised. A response approved by the relevant DOE Project Director shall be provided to the complainant within 14 days of receiving the complaint explaining what remedial actions (if any) were taken.

## 25. Pre-Construction Dilapidation Report

Prior to the commencement of any construction work, a Pre-Construction Dilapidation Report must be prepared by a suitably qualified expert and submitted to Council, relevant asset/service infrastructure owners, the Crown Certifier and the relevant DOE Project Director. The report must provide an accurate record of the existing condition of adjoining private properties that are likely to be impacted by the works (and that have agreed to an offer for a dilapidation survey), and assets/service infrastructure that is likely to be impacted by the works.

## 26. Construction Environmental Management Plan

Prior to the commencement of any construction work, a Construction Environmental Management Plan (CEMP) is to be prepared and provided to the Crown Certifier. The CEMP must be prepared having regard to the Environmental Management Plan Guideline: Guideline for Infrastructure Projects (2020) prepared by the Department of Planning and Environment, and is to include where relevant, but not 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;
  - iv. Stormwater control and discharge;
  - v. Measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - vi. Any other specific environmental construction conditions/mitigation measures detailed in the REF;
  - vii. Any requirements outlined in any relevant approvals, permits, licences or owners consents; and
  - viii. Community consultation and complaints handling.
- b. Aerial Site Plan showing the location of the works;
- c. Construction Traffic and Pedestrian Management Plan;
- d. Construction Noise and Vibration Management Plan;
- e. Construction Waste Management Plan (including details on contaminated waste);
- f. Construction Air Quality and Dust Management Plan;
- g. Construction Soil and Water Management Plan;
- h. Tree Protection Plan;
- i. Demolition Work Plan;
- j. Unexpected finds protocol for Aboriginal and non-Aboriginal heritage;
- k. Unexpected finds protocol for contamination;
- l. Emergency Management Plan; and
- m. Training of responsibilities/heritage site inductions under the *National Parks and Wildlife Act 1975*, *Heritage Act 1977* and any other relevant legislation, as relevant to the works.

The following general conditions/mitigation measures are to be included in the CEMP:

- a. Construction site fencing is to be installed around the construction site. Construction vehicle and pedestrian access points to the construction site are to be clearly designated, signposted and controlled for authorised access only.
- b. The use and storage of hazardous materials and dangerous goods, including petroleum, distillate and other chemicals, shall be in accordance with the relevant legislation including, but not limited to:
  - i. *Protection of the Environment Operations Act 1997*;
  - ii. *Work Health and Safety Regulation 2017*;
  - iii. AS 1940:2017 The Storage and Handling of Flammable and Combustible Liquids; and
  - iv. Safe Work NSW Code of Practice – Managing Risks of Hazardous Chemicals in the Workplace.
- c. All materials must be wholly contained within the construction site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing and stockpiling construction and waste materials, when disposing of waste products and during any other works likely to pollute drains or watercourses.

- d. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work and concrete trucks shall be undertaken in the construction site in a location so as to prevent air, land or water pollution.
- e. All equipment and machinery shall be secured to prevent against vandalism outside of construction hours.
- f. A spill containment kit will be available at all times. All personnel will be made aware of the location of the kit and trained in its effective deployment.
- g. No batching plant is permitted on the site.
- h. A copy of the approved and certified plans, specifications and documentation shall be kept on site at all times and shall be available for perusal by any authorised officer of Council.
- i. All contractors must meet all workplace safety legislation and requirements.
- j. No vehicle maintenance is permitted in the construction areas except in emergencies.

## 27. Construction Noise and Vibration Management Plan

The Construction Noise and Vibration Management Plan to be included in the CEMP required by condition/mitigation measure 21, is to include (not limited to) the following conditions/mitigation measures:

- a. All works will be in accordance with AS 2436-2010: Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites;
- b. Building contractors are to implement the requirements of the Office of Environment Interim Construction Noise Guideline (July 2009) as far as practicable;
- c. Construction is to be carried out in accordance with the National Construction Code deemed-to-satisfy provisions with respect to noise transmission;
- d. All reasonable, practicable steps are to be undertaken to reduce noise and vibration from the site;
- e. Plant and equipment are to be maintained, checked and calibrated in accordance with the appropriate design requirements and to ensure that maximum sound power levels are not exceeded;
- f. Plant and equipment (where possible) are to be strategically positioned on site to reduce the emission of noise from the site to the surrounding area, users of the site and on site personnel;
- g. Unnecessary noise is to be avoided when carrying out manual operations and operating plant; and
- h. Any equipment not used for extended periods is to be switched off.

Additional project-specific mitigation measures are also to be included, as required.

## 28. Construction Waste Management Plan

The Construction Waste Management Plan to be included in the CEMP required by condition/mitigation measure 21 is to be prepared in accordance with the Department of Environment and Climate Change (DECC) Waste Classification Guidelines (2008) and the *Protection of the Environment Operations Act 1997* and include (not limited to) the following conditions/mitigation measures:

- a. The work site is to be left tidy and rubbish free each day prior to leaving the site and at the completion of the works;
- b. Non-recyclable waste and containers are to be regularly collected and disposed of at a licensed waste disposal site. Frequency of collection should be identified and records maintained;
- c. No burning or burying of waste is permitted on the site;
- d. Any bulk garbage bins delivered by authorised waste contractors are to be placed and kept within the site boundary;
- e. No materials will be used in a manner that will pose a risk to public safety and waste generated from the works will be recycled wherever possible;
- f. All loose material stockpiles are to be stored within the temporary construction compounds and are to be protected from possible erosion;



- g. Unnecessary resource consumption will be avoided;
- h. All soils and materials (liquid and solid) to be removed from the site must be analysed and classified by an appropriately qualified consultant in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to offsite disposal; and
- i. All waste must be disposed of at an appropriately licensed waste facility suitable for the specific waste. Receipts for the disposal of the waste must be submitted to the DOE Project Director within 14 days of the waste being disposed.

Additional project-specific conditions/mitigation measures are also to be included, as required.

## 29. Construction Air Quality and Dust Management Plan

The Construction Air Quality and Dust Management Plan to be included in the CEMP required by condition/mitigation measure 21 is to include (not limited to) the following conditions/mitigation measures:

- a. Spraying of paint and other materials with the potential to become air borne is only to be undertaken on days with still or light wind conditions to prevent drift;
- b. No burning of materials is permitted;
- c. Dust generated during construction works is to be controlled to avoid impact on surrounding properties;
- d. All necessary maintenance for construction vehicles and equipment is to be undertaken during the construction period/approved work hours;
- e. Excessive use of vehicles and powered construction equipment is to be avoided;
- f. Exposed areas are to be progressively revegetated as soon as practical;
- g. Vehicle wash down areas are to be established on-site to ensure all mud and soil from construction vehicles is not carried onto public roads;
- h. All vehicles involved in any excavation and/or demolition and departing the site with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway; and
- i. Vehicles, machinery and equipment will be maintained in accordance with manufacturer's specifications and meet the requirements of the *Protection of the Environment Operations Act 1997* and associated regulations.

Additional project-specific conditions/mitigation measures are also to be included, as required.

## 30. Tree Protection Measures

Prior to the commencement of any construction work, trees not approved to be pruned or removed are to be protected in accordance with AS 4970-2009 Protection of Trees on Development Sites, the Tree Protection Plan included in the CEMP as required by condition/mitigation measure 23 and the recommendations of the Arboricultural Impact Assessment approved as part of this REF. The tree protection measures are to remain in place until the completion of all work.

The removal of tree number 401 is not approved for removal under this REF. Trees number 722 and 723 must be retained and protected in accordance with this mitigation measure.

## 31. Tree Preservation

Prior to the commencement of any construction work, an arborist is to be provided with the approved Civil Plans prepared by Northrop to advise whether any trees previously identified for removal under the approved Arboricultural Impact Assessment could be retained with mitigation measures. Particular effort should be made to retain trees where only minor surface works or fill are occurring, this could include but is not limited to Trees 480, 483 and 718.

The removal of tree number 401 is not approved for removal under this REF. Trees number 722 and 723 must be retained and protected in accordance with mitigation measure 30.



### 32. Construction Worker Transport Strategy

Prior to the commencement of any construction work, a Construction Worker Transportation Strategy (CWTS) is to be prepared and submitted to the Crown Certifier. The CWTS must detail the provision of sufficient parking facilities or other travel arrangements for construction workers to minimise demand for parking in nearby public and residential streets or nearby public parking facilities.

### 33. Stormwater Management System

Prior to the commencement of any construction work, the operational stormwater management system for the activity must be designed and submitted to the satisfaction of the Crown Certifier. The system must:

- a. Be in accordance with the relevant plans and supporting documents under condition/mitigation measure 2;
- b. Be in accordance with the applicable Australian Standards;
- c. Ensure that the system capacity has been designed in accordance with Australian Standards; and
- d. Ensure that the system has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) Guidelines.

### 34. Bush Fire

Prior to the commencement of construction, the Applicant must submit design plans to the Crown Certifier which demonstrate that the proposed road complies with Table 6.8b of Planning for Bush Fire Protection 2019.

*Note: This mitigation measure was added to ensure bush fire safety and for consistency with Condition B32 of SSD-15788005 which applies to the internal road within Lot 1 DP 1294413.*

## Part C - During Construction Work

**Note:** The following conditions/mitigation measures are to be complied with during construction work.

### 35. Construction Management

The site and all construction works are to be managed and carried out in accordance with:

- a. The CEMP and all of its associated plans, protocols and procedures, which were required to the satisfaction of condition/mitigation measure 23;
- b. The approved REF, plans and supporting documents approved under condition/mitigation measure 2; and
- c. Any other licences, permits, approvals and land owners consents as required under any other legislation.

### 36. No Obstruction of Public Way

Building materials, machinery, vehicles, refuse, skip bins or the like must not be stored or placed in the public way (outside of any approved construction works zone) under any circumstances.

### 37. Work Hours

The undertaking of any construction work, including the entry and exiting of construction and delivery vehicles at the site, is restricted to the following standard work hours:

- a. Monday to Friday inclusive: Between 7.00am to 6.00pm;
- b. Saturday: Between 8.00am to 1.00pm; and
- c. Sunday and Public Holidays: No work permitted.

Provided noise levels do not exceed the existing background noise level plus 5dB, works may also be undertaken during the following additional work hours:

- a. Mondays to Friday inclusive: Between 6:00pm to 7:00pm; and
- b. Saturday: Between 1:00pm to 4:00pm.

Construction work may be undertaken outside of the standard and additional work hours outlined above, but only if notification has been given to the occupiers of any land within a minimum of 80 metres of the site boundaries before undertaking the work or as soon as is practical afterwards, and only if it is strictly 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 completely inaudible at the nearest sensitive receiver.

### 38. Construction Methods

To minimise loss of amenity, blasting is not permitted and the use of any rock excavation machinery, mechanical pile drivers or the like is restricted to the following hours:

- a. Monday to Friday inclusive: 9:00am to 12:00pm;
- b. Monday to Friday inclusive: 2:00pm to 5:00pm; and
- c. Saturday: 9:00am to 12:00pm.

### 39. Groundwater

Should any groundwater be encountered during construction works, works are to cease immediately. Where groundwater needs to be removed, an approval may be required under the *Water Management Act 2000*. If required, this will require an application for a water supply works approval to be submitted to the NSW Natural Resources Access Regulator (NRAR) for assessment and determination. Council is to be contacted to determine the appropriate measures for the management and disposal of the groundwater.

## 40. Services and Utilities

All services and utilities in the construction area must be appropriately disconnected and reconnected as required. The contractor is required (if necessary) to consult with the relevant authorities to determine disconnection and reconnection requirements. Where services or utilities are found not to be adequate to support the works, they are to be appropriately augmented, subject to obtaining any required approvals or permits.

## 41. Asbestos Handling

Prior to the commencement of any construction work where asbestos or asbestos-containing material is to be impacted or uncovered, compliance with SafeWork NSW requirements shall be adhered to. Asbestos shall be removed by a suitably qualified and experienced contractor, licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material transported and disposed of in accordance with NSW Environment Protection Authority requirements.

## 42. Unexpected Site Contamination

During construction works, should any contamination information or contaminants be identified which have the potential to alter previous site contamination assessments and recommendations, the relevant DOE Project Manager must be immediately notified and works must cease in the location of the contamination. Works must not recommence until a suitably qualified contamination consultant has investigated the unexpected contamination and provided recommendations for the necessary remedial work required to render the site suitable for the activity. Following completion of the remediation, a Site Remediation and Validation Report is to be submitted to a NSW EPA-Accredited Site Auditor to confirm site suitability. A copy of the Site Remediation and Validation Report is also to be provided to the relevant DOE Project Director and the Crown Certifier. A notice of completion of remediation work must also be given in accordance with Section 4.14 and Section 4.15 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

## 43. Non-Aboriginal Heritage

All work must be carried out in accordance with the recommendations outlined in the approved Heritage Impact Statement approved as part of this REF. All personnel working on the site must understand their responsibilities under the *Heritage Act 1977*. If any archaeological relic (or potential relic) of heritage significance is discovered during any construction work, all work in the vicinity must cease and the area must be appropriately protected. Materials should not be removed from the ground wherever possible. The DOE Heritage team is to be notified and an archaeologist engaged to undertake a site inspection to ascertain whether the finds are significant relics. Construction works cannot recommence in that area until advised by the archaeologist, in consultation with the DOE Heritage Team. Should significant relics be identified, external approvals to impact the relics may be required.

## 44. Aboriginal Heritage

All work is to be undertaken in accordance with the recommendations of the Aboriginal Heritage Due Diligence Assessment approved as part of the REF. If any Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) are discovered during any construction work, all works in the vicinity must cease and the area must be appropriately protected. The DOE Heritage Team is to be notified and an archaeologist engaged to undertake a site inspection to assess the find. If Registered Aboriginal Parties (RAPs) were engaged as part of an ACHAR process, the RAPs are to be invited to site along with the archaeologist. Following the on-site assessment, the archaeologist and RAPs (if they attended the site) are to advise on whether further management, mitigation or approvals are required in consultation with the DOE Heritage Team. Should Aboriginal objects be identified, these are to be registered in the Aboriginal Heritage Information Management System (AHIMS). An Aboriginal Heritage Impact Permit (AHIP) would also need to be obtained to impact the site.

## 45. Ecological Management

All work is to be carried out in accordance with the recommendations of the Flora and Fauna Assessment approved as part of the REF. Specifically, priority weeds are to be removed and weed management must follow the recommended mitigation measures, which include cleaning machinery, vehicles, and footwear before leaving the study area, minimising soil transportation outside the study area, securely covering loads of weed-contaminated material, and disposing of weed-contaminated soil at an appropriate waste management facility. Hollow-bearing trees should be removed in two stages to allow for fauna relocation, with animal care services involved if necessary. Additionally, the trunk of tree 483 (if removed) is to be retained as woody debris for inclusion in the biodiversity zone within the JEC.

## 46. Human Remains

If human remains are identified, work must cease and the area around where the remains are found must be protected from all disturbance. Finds are not to be displaced from the location where they are found. The DOE Heritage Team is to be notified and a specialist archaeologist engaged to assess the find. If human skeletal material less than 100 years old is discovered, the NSW Police are to be contacted in accordance with the *Coroners Act 2009*. Aboriginal burials (older than 100 years) are protected under the *National Parks and Wildlife Act 1974* and should not be disturbed. Should the skeletal material prove to be archaeological Aboriginal remains, Heritage NSW and the Local Aboriginal Land Council must be notified. Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

## Part D - Prior To Commencement Of Operation

**Note:** The following conditions/mitigation measures are to be complied with prior to commencement of operation of the works.

### 47. Crown Completion Certificate

A Crown Completion Certificate is to be issued by a Crown Certifier prior to the occupation of the works.

### 48. Compliance with Plans and Supporting Documentation

Prior to issue of a Crown Completion Certificate, evidence must be provided to the satisfaction of the Crown Certifier that the works have been carried out in accordance with the approved REF, plans and supporting documents outlined under condition/mitigation measure 2, except where a condition/mitigation measure expressly required or allowed otherwise.

### 49. Independent Audits Report

Prior to issue of a Crown Completion Certificate, the independent audits report required by condition/mitigation measure 18 is to be provided to the satisfaction of the Crown Certifier.

### 50. Utilities and Services

Prior to issue of a Crown Completion Certificate, a Compliance Certificate under Section 307 of the *Water Management Act 2000* must be obtained.

### 51. Works as Executed

Prior to the issue of a Crown Completion Certificate, 'Works as Executed' drawings are to be submitted to the Crown Certifier and the relevant DOE Project Director.

### 52. Post-Construction Dilapidation Report

Prior to the issue of a Crown Completion Certificate, a Post-Construction Dilapidation Report is to be prepared by a suitably qualified expert and submitted to Council, relevant property owners, relevant asset/service infrastructure owners, the Crown Certifier and the relevant DOE Project Director. The report must determine whether the construction work has resulted in any structural damage to adjoining private properties, and assets/service infrastructure identified in the Pre-Construction Dilapidation Report required by condition/mitigation measure 22. If the report determines that there is damage as a result of construction works associated with the REF, the identified damage must be repaired as soon as practical to the satisfaction of the Crown Certifier, prior to the issue of a Crown Completion Certificate.

### 53. Stormwater Operation and Maintenance Plan

Prior to the issue of a Crown Completion Certificate, a Stormwater Operation and Maintenance Plan is to be prepared and submitted to the satisfaction of the Crown Certifier. The Stormwater Operation and Maintenance Plan shall ensure that stormwater quality measures remain effective during site operations and contain the following:

- a. Maintenance schedule of all stormwater quality treatment devices;
- b. Record and reporting details; and
- c. Work Health and Safety requirements.

### 54. Signage and Line Marking

Prior to the issue of a Crown Completion Certificate, signage, directional information, and line marking must be installed to the satisfaction of the Crown Certifier and in accordance with the requirements of the relevant approved Section 138 approval(s). This includes any necessary advisory signage, wayfinding and/or identification signage provided on the plans under condition/mitigation measure 2.

# Part E - Post Occupation

## 55. Stormwater Management

Stormwater management systems, including any water treatment systems, must be maintained and operated in a proper and efficient condition.

## 56. Decommissioning

At least 6 months after the completion of the Barry Way roadworks approved under REF 1 and REF2, the temporary access road and share path shall be decommissioned and the site restored to its original condition, as shown in the survey plan required by mitigation measure 20.

## 57. Decommissioning Management Plan

Prior to commencement of decommissioning works, a decommissioning management plan shall be prepared and submitted to DOE Statutory Planning for approval. This shall include, but is not limited to:

- Demolition plan prepared by an architect or engineer showing the works to be demolished.
- Demolition waste management plan. This plan must detail the management of waste, management of excess fill including stockpile locations if proposed, site restoration, and waste minimisation and recycling measures.
- Details of:
  - Hours of work;
  - 24-hour contact details of site manager;
  - Management of dust and odour;
  - Stormwater control and discharge;
  - Measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - Any other specific environmental construction conditions/mitigation measures detailed in the REF;
  - Any requirements outlined in any relevant approvals, permits, licences or owners consents; and
  - Community consultation and complaints handling.
- Construction Traffic and Pedestrian Management Plan;
- Construction Noise and Vibration Management Plan;
- Construction Waste Management Plan (including details on contaminated waste);
- Construction Air Quality and Dust Management Plan;
- Construction Soil and Water Management Plan;
- Unexpected finds protocol for Aboriginal and non-Aboriginal heritage;
- Unexpected finds protocol for contamination;
- Details of construction site fencing at each stage of the decommissioning works and pedestrian and construction vehicle access points.

The following general conditions/mitigation measures are to be included in the decommissioning management plan:

- The temporary access road, along with any associated fill, shall be removed, ensuring the ground is restored to pre-existing topographical conditions as shown in the survey plan required by mitigation measure 20. Fill must be disposed of at an appropriate waste facility unless specifically approved for reuse on site under another approval or an exempt development recognised and considered as part of the management plan.
- Any stormwater infrastructure installed for the temporary access road must be removed, and the stormwater systems must be restored to their original condition.
- The left-turn-only deceleration lane on Barry Way must be removed, and the area rehabilitated to match the surrounding road conditions.
- Any native trees removed during construction shall be replaced by planting native tree species consistent with PCTs 3341 and 3383, subject to agreement from the landowner. The replacement planting shall be in a ratio of 1:1 and shall be located within Lot 14 DP1035279, subject to agreement from the landowner.
- Following decommissioning, the study area must be remediated, which includes developing a vegetation management plan with native species planting lists consistent with PCTs 3341 and 3383, subject to agreement from the landowner.

- Construction of a permanent share path along Barry Way to allow the temporary pathway shown in the approved plans under mitigation measure 2 to be decommissioned (Note, the permanent pathway is not approved under this REF).
- Any priority weeds within the site boundary are to be removed prior to completion of decommissioning works.
- Construction site fencing is to be in place in accordance with work cover requirements. Construction vehicle and pedestrian access points to the construction site are to be clearly designated, signposted and controlled for authorised access only

## 58 Post-Decommissioning Dilapidation Report

Within 3 months of completion of the decommissioning works, a Post-Decommissioning Dilapidation Report is to be prepared by a suitably qualified expert and submitted to Council, relevant property owners, relevant asset/service infrastructure owners, the Crown Certifier and the relevant DOE Project Director. The report must determine whether the decommissioning work work has resulted in any structural damage to adjoining private properties, and assets/service infrastructure identified in the Pre-Construction Dilapidation Report or Post-Construction Dilapidation Report required by condition/mitigation measure 22 and 52 respectively. If the report determines that there is damage as a result of decommissioning works associated with the REF, the identified damage must be repaired as soon as practical to the satisfaction of the Crown Certifier, prior to the issue of a Crown Completion Certificate.

## 59 Crown Completion Certificate

If required, a Crown Completion Certificate is to be issued by a Crown Certifier following completion of the decommissioning works.

# Dictionary

| Term                                 | Definition  |
|--------------------------------------|---|
| Aboriginal object                    | Has the same meaning as the definition of the term in Section 5 (Definitions) of the <i>National Parks and Wildlife Act 1974</i> .  |
| Aboriginal place                     | Has the same meaning as the definition of the term in Section 5 (Definitions) of the <i>National Parks and Wildlife Act 1974</i> .  |
| Bushfire prone land                  | Land mapped on a bushfire prone land map as being subject to bushfire hazard. If part but not all of a lot is mapped as being subject to bushfire hazard, only the specific part of the lot that is mapped as being subject to bushfire hazard is bushfire prone land.  |
| Certification of Crown building work | Certification under section 6.28(2) of the <i>Environmental Planning and Assessment Act 1979</i> .  |
| Construction                         | <p>All physical work to enable operation including (unless specifically excluded by a mitigation measures/condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the activity, including bulk earthworks, and erection of buildings and other infrastructure permitted by this REF determination, but excluding:</p> <ul style="list-style-type: none"> <li>• Building and road dilapidation surveys;</li> <li>• Investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• Establishing temporary site offices (in locations identified by the conditions/mitigation measures of this REF determination);</li> <li>• Installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• Minor adjustments to services or utilities.</li> </ul> |
| Crown Certifier                      | A person qualified to conduct a Certification of Crown Building work.   |
| Demolition                           | The deconstruction and removal of buildings, sheds and other structures on the site.  |
| DoE                                  | Department of Education   |
| EFSG                                 | Educational Facilities Standards and Guidelines   |
| Environment                          | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.   |
| Reasonable                           | Means applying judgement in arriving at a decision, considering mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.   |
| REF                                  | Review of Environmental Factors   |
| SI                                   | School Infrastructure   |
| Suitably qualified person            | A professional with the necessary qualifications having regard to the nature of their technical services.   |