

# 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 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Glenn Snow  
**Acting Executive Director**  
**Infrastructure Assessments**

Sydney 14 July 2020

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### SCHEDULE 1

|                            |   |
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| <b>Application Number:</b> | SSD-9391  |
| <b>Applicant:</b>          | NSW Department of Education   |
| <b>Consent Authority:</b>  | Minister for Planning and Public Spaces   |
| <b>Site:</b>               | Corner of Beehag Street and Jacobson Avenue<br>(Lot 1 DP 120095 and Lot 1 DP 335734)  |
| <b>Development:</b>        | Redevelopment of Kyeemagh Public School including demolition of existing structures and construction of two new school buildings including teaching spaces, a school hall, Covered Outdoor Learning Area (COLA), canteen, library, administration centre, staff and student facilities, landscaping and associated works. |

## DEFINITIONS

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| <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>                                       | NSW Department of Education or any other person carrying out any development to which this consent applies  |
| <b>Approved disturbance area</b>                       | The area identified as such on the development layout   |
| <b>BCA</b>   | Building Code of Australia  |
| <b>BC Act</b>  | <i>Biodiversity Conservation Act 2016</i>   |
| <b>CEMP</b>  | Construction Environmental Management Plan  |
| <b>Certification of Crown building work</b>            | Certification under section 6.28(2) of the EP&A Act   |
| <b>Certifier</b>                                       | Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work   |
| <b>Conditions of this consent</b>                      | The conditions contained in Schedule 2 of this document   |
| <b>Compliance Reporting Post Approval Requirements</b> | Compliance Reporting Post Approval Requirements as available on the Department's website  |
| <b>Construction</b>                                    | <p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p> |
| <b>Council</b>   | Bayside 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   |

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| <b>Department</b>                         | NSW Department of Planning, Industry and Environment   |
| <b>Development</b>                        | The development described in the EIS and Response to Submissions, including the works and activities comprising the redevelopment of Kyeemagh Public School, as modified by the conditions of this consent.  |
| <b>Earthworks</b>                         | Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services  |
| <b>EES Group</b>                          | Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)  |
| <b>EIS</b>                                | The Environmental Impact Statement titled Environmental Impact Statement, prepared by CPS dated January 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application   |
| <b>ENM</b>                                | Excavated Natural Material   |
| <b>Environment</b>                        | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings   |
| <b>EPA</b>                                | NSW Environment Protection Authority   |
| <b>EP&amp;A Act</b>                       | <i>Environmental Planning and Assessment Act 1979</i>  |
| <b>EP&amp;A Regulation</b>                | <i>Environmental Planning and Assessment Regulation 2000</i>   |
| <b>EPL</b>                                | Environment Protection Licence under the POEO Act  |
| <b>Evening</b>                            | The period from 6pm to 10pm.   |
| <b>Feasible</b>                           | Means what is possible and practical in the circumstances  |
| <b>Heritage</b>                           | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement   |
| <b>Heritage NSW</b>                       | Heritage, Community Engagement of the Department of Premier and Cabinet  |
| <b>Incident</b>                           | An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance<br><i>Note: "material harm" is defined in this consent</i>   |
| <b>Land</b>                               | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act  |
| <b>Management and mitigation measures</b> | The management and mitigation measures set out in Section 9 of the EIS.  |
| <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  |

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|--------------------------------------|--|
| <b>Operation</b>                     | The carrying out of the approved purpose of the development upon completion of construction.   |
| <b>Planning Secretary</b>            | Planning Secretary under the EP&A Act, or nominee  |
| <b>POEO Act</b>                      | <i>Protection of the Environment Operations Act 1997</i>   |
| <b>Reasonable</b>                    | Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements. |
| <b>Registered Aboriginal Parties</b> | Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)                                     |
| <b>Rehabilitation</b>                | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.  |
| <b>Response to submissions</b>       | The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.   |
| <b>Sensitive receivers</b>           | A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.  |
| <b>Site</b>                          | The land defined in Schedule 1   |
| <b>Site Auditor</b>                  | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>  |
| <b>Site Audit Report</b>             | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>  |
| <b>Site Audit Statement</b>          | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>  |
| <b>TfNSW</b>                         | Transport for New South Wales  |
| <b>TfNSW(RMS)</b>                    | Transport for New South Wales (Roads and Maritime Services)  |
| <b>VENM</b>                          | Virgin Excavated Natural Material  |
| <b>Waste</b>                         | Has the same meaning as the definition of the term in the Dictionary to the POEO Act   |
| <b>Year</b>                          | A period of 12 consecutive months  |

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**Obligation to Minimise Harm to the Environment**

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

**Terms of Consent**

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

| <b>Architectural drawings prepared by dwp</b>                  |            |                           |             |
|--|------------|---------------------------|-------------|
| <b>Dwg No.</b>   | <b>Rev</b> | <b>Name of Plan</b>       | <b>Date</b> |
| SK1201   | C          | Concept Ground Floor Plan | 13.09.2019  |
| SK1202   | C          | Concept First Floor Plan  | 13.09.2019  |
| SK1203   | C          | Concept Roof / Site Plan  | 13.09.2019  |
| SK1801   | C          | Concept RCP               | 13.09.2019  |
| SK1802   | C          | Concept RCP               | 13.09.2019  |
| SK2001   | C          | Concept Elevations        | 13.09.2019  |
| SK2002   | C          | 3D Views                  | 13.09.2019  |
| SK3001   | C          | Reference Plan            | 13.09.2019  |
| SK3002   | C          | Concept Sections          | 13.09.2019  |
| SK3003   | C          | Concept Sections          | 13.09.2019  |
| <b>Landscape Plans prepared by Umbaco Landscape Architects</b> |            |                           |             |
| <b>Dwg No.</b>   | <b>Rev</b> | <b>Name of Plan</b>       | <b>Date</b> |
| SK01   | E          | Landscape Concept Plant   | Sep 2019    |
| SK03   | E          | Proposed Plant Species    | Sep 2019    |

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### **Limits of Consent**

A5. This consent lapses five years after the date of consent unless work is physically commenced.

### **Prescribed Conditions**

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

### **Planning Secretary as Moderator**

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

### **Evidence of Consultation**

A8. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

### **Staging**

- A9. The project must be constructed and operated in stages in accordance with the Concept Design Report prepared by dwp dated 19 September 2019.
- A10. Staging of the proposed development may be varied in accordance with a revised Staging Report (for either or both construction and operation as the case may be) submitted to and approved by the Planning Secretary.
- A11. Any revised Staging Report prepared in accordance with condition A10 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A12. Where a revised Staging Report is approved under condition A10, the project must be staged in accordance with the approved Staging Report.
- A13. 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 Concept Design Report prepared by dwp dated 19 September 2019 or revised Staging Report approved under condition A10, must be complied with at the relevant time for that stage.

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

- A14. 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).
- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A16. 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.
- A17. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Structural Adequacy**

- A18. 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: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

### **External Walls and Cladding**

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **Applicability of Guidelines**

- A20. 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.
- A21. 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**

- A22. 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.*

### **Contamination**

- A23. The Applicant must engage a NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

- A24. Prior to commencing remediation at any stage, the Applicant must submit to the Planning Secretary, an Interim Audit Advice or a Section B Site Audit Statement that certifies that the Remediation Action Plan is appropriate and that the site can be made suitable for the proposed use. The Applicant must adhere to the management measures accepted by the Site Auditor.
- A25. Remediation approved as part of this development consent must be carried out in accordance with the recommendations contained in the Remediation Action Plan prepared by Cardno and dated 24 January 2019 or any variations to the Remediation Action Plan approved in accordance with condition A26.
- A26. Any variations to the Remediation Action Plan referenced in condition A25 must be approved in writing by the Site Auditor.
- A27. The Applicant must submit to the Planning Secretary any Interim Audit Advice/s issued by the Site Auditor to confirm satisfactory completion of each stage prior to the final stage of operation.
- A28. The Applicant must obtain a Section A1 Site Audit Statement, or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan, from a Site Auditor and submit it to the Planning Secretary and Council for information no later than one month before the commencement of the final stage of operation. Contaminated land must not be used for the purpose approved under the terms of this approval until a Site Audit Statement determines the land is suitable for that purpose and any conditions on the Site Audit Statement have been complied with.

### **Access to Information**

- A29. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### **Compliance**

- A30. 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.

### **Compliance Reporting**

- A31. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- A32. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed by the Planning Secretary.

- A33. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A34. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

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

- A35. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A36. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

#### **Non-Compliance Notification**

- A37. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A38. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A39. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

#### **Revision of Strategies, Plans and Programs**

- A40. Within three months of
- (a) the submission of a compliance report under condition A32;
  - (b) the submission of an incident report under condition A36;
  - (c) the submission of an Independent Audit under condition C36;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

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

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

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

### **Notification of Commencement**

- B1. 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.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Certified Drawings**

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

### **Acoustic mitigation**

- B4. Within three months of construction of stage one works, the Applicant must provide the Certifier with documented evidence that consultation with the property owner of 6 Beehag Street has been undertaken regarding the acoustic treatment of the south-east facing first floor glazing and openings of 6 Beehag Street as recommended in Noise Impact Assessment prepared by SLR dated 20 March 2020. If an agreement is reached, documented evidence of the agreement between the two parties must be provided to the Certifier. The evidence must include details regarding the Applicant being responsible for all financial payments in association with the construction and installation of the agreed treatment. If an agreement cannot be reached, all documented evidence of the consultation (including all correspondence, quotes and offers) must be provided to the Certifier and a copy provided to the Planning Secretary.

### **External Walls and Cladding**

- B5. Prior to the commencement of construction of external walls and cladding, 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.

### **Protection of Public Infrastructure**

- B6. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

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

- B7. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works. Where access to a privately owned property cannot reasonably be obtained within the required timeframe, specific justification must be provided to Council and the Certifier.

### **Community Communication Strategy**

- B8. No later than 48 hours before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and

construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;
  - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

### **Ecologically Sustainable Development**

- B9. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

### **Outdoor Lighting**

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

### **Demolition**

- B11. Prior to the commencement demolition in each stage, 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.

### **Environmental Management Plan Requirements**

- B12. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development;

- (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
- (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g) a protocol for managing and reporting any:
  - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
  - (ii) complaint;
  - (iii) failure to comply with statutory requirements; and
- (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.

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

### **Construction Environmental Management Plan**

- B13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge;
    - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
    - (vi) groundwater management plan including measures to prevent groundwater contamination;
    - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (viii) community consultation and complaints handling;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B14);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition B15);
  - (d) Construction Waste Management Sub-Plan (see condition B16);
  - (e) Construction Soil and Water Management Sub-Plan (see condition B17);
  - (f) Flood Emergency Response Sub-Plan (see condition B18);
  - (g) an unexpected finds protocol for contamination and associated communications procedure;
  - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (i) 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.
- B14. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;

- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
  - (d) detail heavy vehicle routes, access and parking arrangements.
- B15. The Construction Noise and Vibration Management Sub-Plan (CNSWMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition B15(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition B12(d).
- B16. The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- B17. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction; as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.
  - (c) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.
  - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (e) detail all off-Site flows from the Site; and
  - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI and 1 in 100-year ARI).
- B18. The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) include details of:
    - (i) the flood emergency response for construction phase of the development;

- (ii) predicted flood levels;
- (iii) flood warning time and flood notification;
- (iv) assembly points and evacuation routes;
- (v) evacuation and refuge protocols; and
- (vi) awareness training for employees and contractors, and students.

B19. 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.

### **Construction Worker Transportation Strategy**

B20. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy for the construction stages to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

### **Flood Management**

B21. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard.

B22. Prior to the commencement of construction, the Certifier must be satisfied that any structures below the 1% Annual Exceedance Probability plus 500mm of freeboard must be constructed from flood compatible building components.

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

B23. Prior to installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the Noise Impact Assessment prepared by SLR dated 20 March 2020. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise Impact Assessment.

### **Biodiversity**

B24. Prior to the commencement of vegetation clearing, a suitably experienced ecologist must be engaged to relocate and/or replace nest boxes within the site at a suitable time during or after construction works have ceased.

### **Landscaping**

B25. Prior to the installation of landscaping, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site and submit it to the Certifier. The plan must:

- (a) provide for the planting of 63 trees;
- (b) detail the native vegetation community (or communities) that once occurred on the site or locality;
- (c) include species (trees, shrubs and groundcovers) indigenous to the local area;
- (d) detail the location, species, maturity and height at maturity of plants to be planted on-site and demonstrate that enough area/space is provided to allow trees to grow to full maturity;
- (e) include the planting of trees with a pot container of 75 -100 litres, or greater for local native tree species which are commercially available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed; and

- (f) include the provision of relocated or new replacement nest boxes as required under condition B24 suitable to native fauna likely to use the site.

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

- B26. Prior to the commencement of construction of the operational waste storage area, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
  - (b) 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;
  - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
  - (d) is naturally ventilated or an air handling exhaust system must be in place; and
  - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

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

- B27. Prior to the commencement of construction, evidence of compliance of construction parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) all vehicles must enter and leave the Site in a forward direction;
  - (b) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2; and
  - (c) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed.

### **Operational Parking and Access Arrangements**

- B28. Prior to the commencement of construction of operational parking and access facilities, evidence of compliance of the design of operational parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) all vehicles are able to enter and leave the site in a forward direction;
  - (b) a minimum of 19 on-site car parking spaces, including one accessible space, for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - (c) the swept path of the longest service vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2; and
  - (d) end-of-trip facilities are included for staff and students in accordance with the EIS and approved plans.

### **Public Domain Works**

- B29. Prior to the commencement of any public domain works, the Applicant must consult with Council and TfNSW and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of the relevant road authority, including addressing pedestrian management. The Applicant must submit documentation of approval where required from the relevant road authority to the Certifier.

## PART C DURING CONSTRUCTION

### Site Notice

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

### Operation of Plant and Equipment

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Demolition

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

### Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Soil remediation activities, may only be carried out between the following hours:
- (a) between 7am and 6pm Mondays to Saturdays inclusive.
- No soil remediation activities may be carried out on Sundays or public holidays.
- C6. Construction activities may be undertaken outside of the hours in condition C4 and C5 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.
- C7. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. 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**

- C9. 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**

- C10. 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**

- C11. 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**

- C12. 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**

- C13. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C15. 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**

- C16. 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).
- C17. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C16.
- C18. The limits in conditions C16 and C17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B15 of this consent.

### **Tree Protection**

- C19. 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 boundary/ies 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 in accordance with Council's tree protection requirements; 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**

C20. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C21. During construction, the Applicant must ensure that:

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

### **Erosion and Sediment Control**

C22. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

### **Imported Soil**

C23. The Applicant must:

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

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

C24. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal 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**

C25. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

### **Stormwater Management System**

C26. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the EIS;

- (c) be designed in accordance with the Rockdale Technical Specification – Stormwater Management
- (d) be in accordance with applicable Australian Standards; and
- (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;

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

C27. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

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

C28. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

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

- C29. 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.
- C30. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C31. 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.
- C32. 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.
- C33. 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**

C34. 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**

- C35. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C36. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C37. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition C36, upon giving at least four weeks notice to the Applicant of the date upon which the audit must be commenced.
- C38. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition C36 of this consent;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C39. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C40. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, 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 D PRIOR TO COMMENCEMENT OF OPERATION

### Notification of Occupation

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

### External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the 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.
- D3. 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

- D4. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - c) to be forwarded to Council.

### Protection of Public Infrastructure

- D5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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

### Protection of Property

- D6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### Utilities and Services

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

### Works as Executed Plans

- D8. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

### Green Travel Plan

- D9. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with Bayside Council and Transport for NSW;
- (b) identify current employee journey to work patterns including current mode share, trip origin and shift start/finish times. This can be informed by analysis of Australian Bureau of Statistics Census data and/or by conducting a staff travel survey. This information should be used to inform sustainable transport strategies in the GTP;
- (c) include Travel Demand Management Strategies in the TDS that considers opportunities to spread or stagger network demand;
- (d) in-class surveys (or online surveys such as survey monkey) to determine travel mode choice and targets;
- (e) feedback register for carpooling groups; and
- (f) feedback register for all other transport related items (whereby staff, students, parents and carers are able to provide suggestions on ways to promote sustainable transport choice).
- (g) 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;
- (h) include specific tools and actions to help achieve the objectives and mode share targets;
- (i) 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
- (j) 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.

#### **Pedestrian Infrastructure Upgrades**

- D10. Prior to the commencement of the first stage of operation, the Applicant must consult with Council regarding upgrades to pedestrian infrastructure along the frontages of the site required to accommodate the expansion of the school.
- D11. Prior to the commencement of the final stage of operation, the upgrades to pedestrian infrastructure agreed under condition D10 must be completed.

#### **School/Pedestrian Crossing Facilities**

- D12. Prior to commencement of operation, school/pedestrian crossings must be installed on surrounding roads where agreed in consultation with Council and TfNSW, with the works completed in accordance with the relevant design standards and warrants set down by TfNSW to the satisfaction of the relevant road authority.

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

- D13. Prior to the commencement of operation, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council and TfNSW, and submitted to the Certifier and a copy provided to the Planning Secretary. The OTAMP must address the following:
  - (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
  - (b) the location of bicycle spaces and end of trip facilities for staff and students close to the entries from Beehag Street and Tancred Avenue and incorporating lighting and passive surveillance consistent with AS2890.3;
  - (c) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);

- (d) the location and operational management procedures of the pick-up and drop-off parking, including staff management/traffic controller arrangements;
- (e) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities, including staff management/traffic controller arrangements;
- (f) delivery and services vehicle and bus access and management arrangements;
- (g) management of approved access arrangements;
- (h) 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 Jacobson Avenue;
- (i) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (j) a monitoring and review program.

### **School Zones**

D14. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along Tancred Avenue must be installed, inspected by TfNSW(RMS) and handed over to TfNSW(RMS).

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

D15. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

### **Mechanical Ventilation**

D16. Prior to commencement of operation, 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**

D17. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise Impact Assessment prepared by SLR dated 20 March 2020 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

### **Car Parking Arrangements**

D18. Prior to the commencement of operation or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the certifier that demonstrates that:

- (a) works associated with the reconfiguration of the car park to create 19 car parking spaces have been completed;
- (b) the layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) are in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage; and
- (c) the swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, should be in accordance with Austroads.

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

- D19. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:
- a) the provision of a minimum 50 bicycle parking spaces;
  - b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - c) the provision of end-of-trip facilities for staff; and
  - d) appropriate pedestrian and cyclist advisory signs are to be provided.

All works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

### **Road Damage**

- D20. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### **Fire Safety Certification**

- D21. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

- D22. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the 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**

- D23. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

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

- D24. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Outdoor Lighting**

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

- D26. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D27. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

### **Operational Waste Management Plan**

- D28. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include the Management and Mitigation Measures included in Waste Management Plan prepared by Turner & Townsend Thinc and dated 10 January 2019.

### **Landscaping**

- D29. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Planning Secretary. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.
- D30. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

### **Acoustic Barrier**

- D31. Prior to the commencement of operation of stage one, a 2.1 metre high acoustic barrier must be constructed along the north west boundary shared with adjoining residential dwellings generally in accordance with the recommendations of the Noise Impact Assessment prepared by SLR and dated 20 March 2020.

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

- D32. Prior the commencement of the operation, a Flood Emergency Management Plan must be submitted to the Certifier that:
- (a) is prepared by a suitably qualified and experienced person(s);
  - (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) includes details of:
    - (i) the flood emergency responses for operational phase of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors, and students.

## **PART E POST OCCUPATION**

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

- E1. Prior to the commencement of the first out of hours events (school use) run by the school that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) and submit it to the Council and Planning Secretary in consultation with Council. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the multi-purpose hall, COLA and sports court where applicable, restricting use before 8am and after 10pm;
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E2. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.
- E3. Prior to the commencement of out of hours events (community use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the multi-purpose hall, where applicable, restricting use before 7am and after 10pm Mondays to Saturdays and not at all on Sundays and public holidays;
  - (f) details of the use of the outdoor games/sports court, where applicable, restricting use before 12pm and after 6pm Mondays to Fridays, before 8am and after 6pm on Saturdays and not at all on Sundays and public holidays;
  - (g) measures to minimise localised traffic and parking impacts; and
  - (h) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E4. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

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

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

### **Sign Illumination**

- E6. Any sign that is to be illuminated in accordance with the approved plans must not be illuminated between the hours of 10pm and 6am seven days a week.

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

- E7. 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**

- E8. 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)**

- E9. The OTAMP(s) approved under condition D13 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### **Operational Noise Limits**

- E10. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise Impact Assessment prepared by SLR and dated 20 March 2020.
- E11. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Noise Impact Assessment prepared by SLR and dated 20 March 2020. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

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

- E12. 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**

- E13. The Green Travel Plan required by condition D9 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

- E14. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

- E15. Notwithstanding condition B10, 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**

- E16. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Operational Landscape Management Plan required by condition D29 for the duration of occupation of the development.

### **Waste Collection**

- E17. Waste collection services must not be undertaken outside the hours of 7:30am to 6pm Monday to Friday.

### **Grounds Maintenance Using Powered Equipment**

E18. Grounds maintenance involving the use of powered equipment must not be undertaken outside the hours of 7:30am to 6pm Monday to Friday, and 8am to 1pm Saturday.

## APPENDIX 1 ADVISORY NOTES

### General

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

### Long Service Levy

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

### Legal Notices

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

### Access for People with Disabilities

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

### Utilities and Services

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

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

### Road Design and Traffic Facilities

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

### Road Occupancy Licence

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(RMS) and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

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

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

### **Fire Safety Certificate**

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 at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A35 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.