

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.



David Gainsford
Executive Director
Infrastructure Assessments

Sydney

17 June 2020

SCHEDULE 1

Application Number:	SSD 9809
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning and Public Spaces
Site:	Northbourne Drive, Marsden Park Lot 2889 DP1230906
Development:	<p>Development of the Marsden Park New Primary School including the following:</p> <ul style="list-style-type: none">• construction and operation of a temporary school for 500 students while the new primary school is under construction.• construction and operation of a two-storey new primary school building with capacity to accommodate 1,000 students, comprising of 40 teaching spaces, canteen, library, multipurpose hall, office and administrative area, staff and student amenities and out of school hours care accommodation.• external works comprising of:<ul style="list-style-type: none">○ multipurpose sporting facilities and outdoor play spaces;○ site landscaping, public domain improvements and signage;○ on-site car park for 58 parking spaces;○ drop-off / pick-up zone and bus zone; and○ pedestrian crossings.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	NSW Department of Education or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCCGC DCP 2016	Blacktown City Council Growth Centres Development Control Plan 2016
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including (except where specifically excluded by a condition of this consent) but not limited to the carrying out of works for the purposes of the development, including remediation/earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <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>
Council	Blacktown City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment

Development	The development described in the EIS, RtS and RRAI, including the works and activities, as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement for State Significant Development 9809 – Marsden Park New Primary School</i> , prepared by Urbis Pty Ltd dated 16 September 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: “material harm” is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department’s website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act

Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
RtS	The Response to Submissions report titled ‘ <i>Response to Submissions – Marsden Park New Primary School – SSD 9809</i> ’ prepared by Urbis Pty Ltd and dated 08 April 2020
RRAI	Applicant's Response to Request for Additional Information including the document titled ‘ <i>Response to Agency Submissions – New Marsden Park Public School (SSD-9809)</i> ’, prepared by Urbis Pty Ltd and dated 20 May 2020 and received by the Department on 20 May 2020
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Stage 1	Construction and operation of a temporary school during the construction of the new primary school
Stage 2	Construction and operation of the remainder of the development not included in Stage 1 and removal of Stage 1
SES	State Emergency Services
TfNSW	Transport for New South Wales
TfNSW(RMS)	Transport for New South Wales (Roads and Maritime Services)
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS, RtS and the RRAI; and
 - (d) in accordance with the approved plans in the table below (except as may be amended by the conditions of consent):

Architectural drawings prepared by <i>NBRS Architecture</i>			
Dwg No.	Rev	Name of Drawing	Date
19154-NRBS-A-012	F	SITE ANALYSIS	13/03/20
19154-NRBS-A-050	G	SITE PLAN – BUILDING SET OUT	15/05/20
19154-NRBS-A-051	I	SITE PLAN – ACCESS DIAGRAM	08/05/20
19154-NRBS-A-052	G	SITE PLAN – TEMPORARY SCHOOL LAYOUT	15/05/20
19154-NRBS-A-100	C	LEVEL 1 – FULL PLAN	05/03/20
19154-NRBS-A-105	B	LEVEL 2 – FULL PLAN	17/02/20
19154-NRBS-A-110	B	ROOF PLAN	17/02/20
19154-NRBS-A-301	D	BUILDING ELEVATIONS	20/03/20
19154-NRBS-A-302	C	COURTYARD ELEVATIONS	04/03/20
19154-NRBS-A-401	C	BUILDING SECTIONS	04/03/20
19154-NRBS-A-450	C	WALL SECTIONS	04/03/20
19154-NRBS-A-451	D	WALL SECTIONS	25/03/20
Landscape drawings prepared by <i>NRBS Architecture Landscape</i>			
Dwg No.	Rev	Name of Drawing	Date
19154-LDA100	L	SITE ARRANGEMENT PLAN	12/05/20
19154-LDA102	E	MATERIALS AND PLANTING SCHEDULE	12/05/20
19154-LDA101	D	SECTIONS	12/05/20
Civil drawings prepared by <i>Henry&Hyams</i>			
Dwg No.	Rev	Name of Drawing	Date
19D28_SSDA_C050	04	TEMPORARY SCHOOL PLAN SHEET 1 OF 2	15/05/20
19D28_SSDA_C051	04	TEMPORARY SCHOOL PLAN SHEET 2 OF 2	15/05/20
19D28_SSDA_C100	06	GENERAL ARRANGEMENT PLAN	15/05/20
19D28_SSDA_C101	06	DETAIL PLAN SHEET 1 OF 4	15/05/20
19D28_SSDA_C102	07	DETAIL PLAN SHEET 2 OF 4	15/05/20
19D28_SSDA_C103	06	DETAIL PLAN SHEET 3 OF 4	15/05/20
19D28_SSDA_C104	06	DETAIL PLAN SHEET 4 OF 4	15/05/20
19D28_SSDA_C110	04	ROADWORKS DETAIL SHEET	15/05/20

19D28_SSDA_C200	5	STORMWATER MISCELLANEOUS DETAILS & PIT LID SCHEDULE	15/05/20
19D28_SSDA_C201	5	STORMWATER MISCELLANEOUS DETAILS	15/05/20
19D28_SSDA_C209	03	OSD TANK PLAN	15/05/20
19D28_SSDA_C210	05	OSD TANK SECTIONS AND DETAILS	15/05/20
19D28_SSDA_C211	6	JELLYFISH DETAILS AND SECTION	15/05/20
19D28_SSDA_C212	4	RAINWATER TANK PLAN AND SECTIONS	15/05/20
19D28_SSDA_C250	04	CATCHMENT PLAN	15/05/20
19D28_SSDA_C251	04	DETAIL CATCHMENT PLAN	15/05/20
19D28_SSDA_C300	05	RETAINING WALL PLAN	15/05/20
19D28_SSDA_C310	05	RETAINING WALL DETAILS	15/05/20
19D28_SSDA_SE01	5	SEDIMENT AND EROSION CONTROL PLAN	15/05/20
19D28_SSDA_SE02	5	SEDIMENT AND EROSION CONTROL TYPICAL SECTIONS AND DETAILS	15/05/20

- 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 may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- A13. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A15. 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.
- A16. 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

A17. 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.

Notes:

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

External Walls and Cladding

A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

A19. 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.

A20. 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

A21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

Access to Information

A22. 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

- A23. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- A24. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- A26. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A27. 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.
- A28. 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

- A29. Within three months of:
- (a) the submission of a compliance report under condition B23;
 - (b) the submission of an incident report under condition A25;
 - (c) the submission of an Independent Audit under condition C35 or 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.
- A30. 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 Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

External Walls and Cladding

- B4. Prior to the commencement of construction 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

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

Pre-Construction Dilapidation Report

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

Unexpected Contamination Procedure

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

Community Communication Strategy

- B8. No later than 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:
- (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 seeking approval from the Planning Secretary for an alternative certification process; or
 - (b) including water sensitive urban design measures in the design, such as:
 - i) consideration for water monitoring systems to identify leaks or the like; and
 - ii) use of water efficient fixtures and fittings.

Rainwater Harvesting

- B10. Within three months of the commencement of construction the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

Outdoor Lighting

- B11. 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.

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 for Stage 1 and 2. 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; and
 - ix) procedures and commitments for the removal, without additional impacts, of temporary facilities, including any hoarding, barriers, toilet facilities, soil erosion control measure and site access.
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B14);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition B16);
- (d) Construction Waste Management Sub-Plan (see condition B17);
- (e) Construction Soil and Water Management Sub-Plan (see condition B18);
- (f) Flood Emergency Response Sub-Plan (see condition B19);
- (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;
- (d) detail heavy vehicle routes; include location of all proposed work zones;

- (e) details of the haulage routes and the construction hours;
 - (f) details of estimated number and type of construction vehicle movements including morning and afternoon peak and off-peak movements for each stage of construction;
 - (g) details of the construction program highlighting details of peak construction activities and proposed construction staging; and
 - (h) details of the measures that are to be implemented to mitigate the potential impacts associated with the construction of Stage 2 while Stage 1 is in operation including scheduling truck movements outside drop-off and pick-up times for the temporary school.
- B15. A Traffic Control Plan (TCP) 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) and satisfy the requirements of AS 1742.3 – 2009;
 - (b) be prepared in consultation with Council;
 - (c) detail the traffic control devices and facilities (i.e. barricades, signs, lights, etc.);
 - (d) ensure suitably qualified and experienced person(s) undertaking the control of traffic through or around work sites on Council controlled roads;
 - (e) the coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the Applicant and must satisfy all the requirements of AS 1742.3 - 2009.
 - (f) where the TCP may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified and experienced person(s) to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS Traffic Control at Work Sites manual and shall be submitted to Council prior to implementation.
- B16. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) hours of construction in accordance with conditions C3 to C8;
 - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (e) include strategies that have been developed with the community for managing high noise generating works;
 - (f) describe the community consultation undertaken to develop the strategies in condition B16(e);
 - (g) include a complaints management system that would be implemented for the duration of the construction; and
 - (h) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition B12(d).
 - (i) detail the measures to be implemented to mitigate the potential noise impacts associated with the construction of Stage 2 while Stage 1 is in operation.
- B17. 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.

- B18. The Applicant must prepare a Construction Soil and Water Management Plan Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert;
 - (b) be consistent with Council's sediment and erosion controls policies listed in Blacktown City Council's Engineering Guide to Development (2005) and Civil works specification;
 - (c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'. The erosion and sediment controls must be consistent with the Council approved *Bulk Earthworks Modifications Plan* for the site (Council Reference MOD-20-00079);
 - (d) provide a plan of how all construction works will be managed in wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (e) detail all off-Site flows from the Site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI and 1 in 5-year ARI.
- B19. 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) in consultation with the SES;
 - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
 - (c) include details of:
 - i) the flood emergency responses for both construction phases 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.
- B20. 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 Parking

- B21. Prior to the commencement of construction of Stage 1 and Stage 2, evidence of compliance of construction parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) all vehicles must be able to 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 and the temporary school in Stage 1 has been addressed.

Compliance Reporting

- B22. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- B23. 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.
- B24. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- B25. 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.

Landscaping

- B26. Prior to the commencement of landscaping works, the Applicant must prepare a Landscape Plan to the satisfaction of the Certifier. The plan must:
- (a) be prepared in consultation with Council;
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) detail the location, species, maturity and height at maturity of plants to be planted;
 - (d) include species (trees, shrubs and groundcovers) indigenous to the local area and incorporate component species of Shale Gravel Transition Forest; and
 - (e) prior to the commencement of landscape works incorporate Aboriginal cultural heritage into the design of landscaping on-site.

Public Domain Works

- B27. Prior to the commencement of public domain works, the Applicant must prepare a Public Domain Works Plan to the satisfaction of the Certifier. The plan must:
- (a) be prepared in consultation with Council;
 - (b) detail the location and width of all footpaths, drop-off / pick up zone and bus zone and the integration of landscaping and hardstand areas. Alternative solutions are to be considered to accommodate the required width of the shared path along the western side of Northbourne Drive. If there are no satisfactory arrangements, the Applicant may dedicate a portion of the site to accommodate the shared path; and
 - (c) prior to the commencement of public domain works detail the location of street lighting including around the pedestrian crossings to meet the requirements of TfNSW and Council.
- B28. In relation to any dedications required by Condition B27(b), Council has the authority to release, vary or modify the easement(s) or restriction(s). The form of any easement or restriction created as a result of this consent must be in accordance with Council's standard recitals for Terms of Easements and Restrictions and the standard format for easements and restrictions as accepted by the Land Registry Services. This dedication cannot be extinguished or altered except with the consent of Council.

Stormwater Management System

- B29. Prior to the commencement of construction of Stage 1 and Stage 2, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The design of the system, preparation of required plans, and the certification of relevant designs must:
- (a) be in accordance with the stormwater and drainage requirements contained in Council's submission dated 12 June 2020, unless otherwise agreed to by the Planning Secretary, following consultation with Council;
 - (b) be designed, where required, by a suitably qualified and experienced person(s);
 - (c) be certified, where required, by a suitably qualified and experienced person(s)

- (d) be generally in accordance with the Civil Drawings provided by Henry & Hymas referenced in condition A2, as amended by condition B28;
- (e) be generally in accordance with the BCCGC DCP 2016, Council's Engineering Guide for Development 2005 and Council's WSUD Developer Handbook 2019;
- (f) be in accordance with applicable Australian Standards; and
- (g) 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. Include on-site stormwater detention storage volume of 530m³, to be provided generally in accordance with the Council's requirements; and
- (h) demonstrate that the development will maintain the water quality system to achieve the following minimum pollutant removal targets of Blacktown City Council Growth Centre Precincts Development Control Plan for the entire site:

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45

B30. Prior to the commencement of construction of Stage 1 and Stage 2, 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) Include rainwater tank storage volume of 75kL, to be provided generally in accordance with the Civil Drawings provided by Henry & Hymas referenced in condition A2 to the satisfaction of the certifier.
- (b) Stormwater tank storage volume of 75kL is to be provided generally in accordance with the Civil Drawings provided by Henry & Hymas referenced in condition A2 to the satisfaction of the certifier
- (c) Civil Drawings referenced in Condition A2 of the consent are to be amended as follows:
 - (i) Detail Confined space entry warning signs on the drainage plans adjacent to all entries into the rainwater tanks. Jellyfish and detention tank in accordance with Council's Engineering Guide for Development 2005.
 - (ii) Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.
 - (iii) Provide galvanised or equivalent step irons or ladders for all entry points to the tanks.
 - (iv) On drawing C212 (04) for sections C provide 2 sets of 600mm x 1200mm sealed access to the stormwater tank over the pumps.
 - (v) On drawing C212 (04) for sections E show the Jellyfish baffle extending 300 mm below the weir.

B31. Drainage from the site must be connected into Council's existing drainage system. Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

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.

Construction Hours

- C3. 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.
 - (c) No work may be carried out on Sundays or public holidays.
- C4. Notwithstanding condition C3, provided noise levels do not exceed the existing background noise level plus 5 dB, works may also be undertaken during the following hours:
- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
 - (b) between 1pm and 4pm, Saturdays.
- C5. Construction activities may be undertaken outside of the hours in condition C3 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;
 - (c) where the works are inaudible at the nearest sensitive receivers; and
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- C6. Notification of such construction activities as referenced in condition C4 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Written notification of works must be submitted to Council prior to the commencement of any engineering works required by this consent. This must be submitted a minimum 5 business days prior to commencement of engineering works.
- 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 CNVMP.
- 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 C3.
- 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 B16 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 property boundaries, where they may be impacted by the development, 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.

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* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'. The erosion and sediment controls must be consistent with the Council approved *Bulk Earthworks Modifications Plan* for the site (Council Reference MOD-20-00079).

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 Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Unexpected Finds Protocol – Aboriginal Heritage

C25. 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.

C26. Construction works shall be carried out in accordance with the recommendations of the *Aboriginal Cultural Heritage Assessment – Lot 2889 DP1230906 – Marsden Park New Primary School* at Appendix P of the EIS, dated September 2019 and prepared by AMAC Archaeological and Street Archaeological Services.

Unexpected Finds Protocol – Historic Heritage

C27. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible

significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

Waste Storage and Processing

- C28. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C29. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C30. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C31. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C32. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- C33. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Independent Environmental Audit

- C34. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C35. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C36. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the applicant of the date or timing upon which the audit must be commenced.
- C37. 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 C35 of this consent, or condition C36 where notice is given by the Planning Secretary;
 - (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.
- C38. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C39. 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

- D6. Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, must be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 Public Civil Works, to the satisfaction of Council. Council's standards and specifications are available on the Council website.

Note: Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and where relevant Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing

Protection of Property

- D7. 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

- D8. 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*.

Boundary Levels

- D9. Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

Roadworks and Access

- D10. Prior to the commencement of operation, the Applicant must complete all works within the road reserve to the satisfaction of the relevant roads authority. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

- D11. Prior to the implementation of any road line marking and traffic signage required by this development the applicant shall acquire an approval for the line marking and traffic signage plan arrangement. In this regard, the applicant shall provide evidence to the certifying authority in order to demonstrate that the proposed line marking and traffic signage plan has approval from the local traffic committee and has been adopted by Ordinary Council Meeting.

Note: all recommendations by the local traffic committee and Ordinary Council Meeting shall be reflected within the plans for line marking and traffic signage.

- D12. Prior to the commencement of operation, the Applicant must detail heavy vehicle routes, access, parking arrangements and commercial and industrial vehicular crossing to Council's standard A(BS)103S;

Note: Under Section 138 of the Roads Act 1993 an approval for engineering work is required. These works include but are not limited to any works within Council's road reserve and vehicular crossings

Works as Executed Plans

- D13. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage, finished ground levels and public domain works have been constructed as approved, must be submitted to the Certifier and a copy provided to Council. Works-as-executed drawings must be prepared in accordance with Council's Engineering Guide for Development 2005.

- D14. The works-as-executed drawings must include:

- (a) Demonstration that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines;
- (b) certification from a Registered Surveyor, to be lodged with Council, that all finished surface levels for lot(s) required by this consent have been achieved and/or have been maintained in accordance with those established at the time of creation of the lot. The certificate must acknowledge that works have been complete. All levels must be to Australian Height Datum;
- (c) certification from a Registered Engineer, to be lodged with Council, verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime;
- (d) The applicant is to submit the certified line marking and traffic signage plan as required by this consent. This will require evidence to demonstrate that approvals have been obtained from the Local Traffic Committee and adoption by Council Ordinary Meeting. A final inspection report is to be included noting that all line marking and traffic signage works are complete; and
- (e) a final inspection report is to be included noting that all works are complete.

Note: When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

Green Travel Plan

- D15. 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 Council and TfNSW;

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

Operational Transport and Access Management Plan (OTAMP)

D16. 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 satisfaction of 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 all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- (c) the location and operational management procedures of the pick-up and drop-off parking located within Northbourne Drive, including staff management/traffic controller arrangements;
- (d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches on Bolwarra Drive including staff management/traffic controller arrangements;
- (e) delivery and services vehicle and bus access and management arrangements;
- (f) management of approved access arrangements;
- (g) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking in Northbourne Drive;
- (h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (i) a monitoring and review program.

School Zones

D17. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along Northbourne Drive and Bolwarra Drive must be installed, inspected by TfNSW(RMS) and handed over to TfNSW(RMS).

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

D18. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

Mechanical Ventilation

D19. 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

D20. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *New Marsden Park Public School Noise & Vibration Impact Assessment* dated 18 July 2019 and prepared by Acoustic Logic Consultancy Pty Ltd have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

Bicycle Parking and End-of-Trip Facilities

D21. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:

- a) the provision of a minimum of 4 staff and 148 visitor/student bicycle parking spaces;
- b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- c) the provision of end-of-trip facilities for staff;
- d) appropriate pedestrian and cyclist advisory signs are to be provided; and
- e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Road Damage

D22. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Fire Safety Certification

D23. 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

D24. 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.

Compliance with Food Code

D25. Prior to the commencement of operation, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas (where provided) have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Stormwater Quality Management Plan

D26. 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 be prepared having regard to the requirements of Council's WSUD Inspection and Maintenance Guidelines, and 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.

D27. Prior to the issue of any Occupation Certificate, the Certifier shall ensure that the stormwater management systems, overland flow path work and flood control works:

- (a) have been satisfactorily completed in accordance with the approved Construction Certificate and the conditions of this consent;
- (b) have met the design intent with regard to any construction variations to the approved design; and
- (c) any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

D28. Prior to commencement of operation a chartered civil engineer is to certify that:

- (a) any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations;
- (b) all the requirements of the approved drainage plan have been undertaken;
- (c) the minimum detention storage of 530m³ has been provided below the 2 year ARI emergency overflow weir;
- (d) the orifice size matches the approved construction certificate plans;
- (e) the rainwater and stormwater tanks have been provided as per the approved construction certificate plans;
- (f) all (other) signage and warning notices have been installed;
- (g) any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations.
- (h) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

Warm Water Systems and Cooling Systems

D29. 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

D30. 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

D31. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.

D32. 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

D33. 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 within the *Marsden Park New Primary School – Waste Management Plan* dated July 2019 and prepared by GHD.

Landscaping

- D34. Prior to the commencement of operation, all landscaping (including hard and soft landscaping, all open spaces, fencing, paths, footpaths, lighting and the like) must be installed in accordance with the Landscape Plan approved under condition B26.
- D35. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan (OLMP) to manage the revegetation and landscaping on-site. The OLMP must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
 - (b) be consistent with the Applicant's management and mitigation measures contained within the *Landscape Strategy Report for Marsden Pak Public School* dated 17 February 2020 and NRBS Architecture Landscape as amended by the Landscape Plan approved under condition B26.
 - (c) be consistent with the Applicants Biodiversity Assessment as prepared by Eco Logical Australia (19SYD-13574), including making use of Local Provenance Species included in Attachment A of the assessment.
- D36. The Applicant must not commence operation until the OLMP has been submitted to the Certifier.

Public Domain

- D37. Prior to the commencement of operation, public domain works must be installed in accordance with the Public Domain Works Plan approved under condition B27.

PART E POST OCCUPATION

Out of Hours Event Management Plan

- E1. 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 multipurpose hall, where applicable, restricting use before 7am 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 community event or use.

Operational Restrictions

- E3. The following restrictions apply to the use of the school facilities by external parties (i.e. for communal use of the school):
- (a) if the operation of the multipurpose hall for community use includes the use of amplified music, singing or powered tools all windows and doors shall be kept closed; and
 - (b) the operation of the multipurpose hall for communal use is restricted to 10pm.

Operation of Plant and Equipment

- E4. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- E5. 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

- E6. 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)

- E7. The OTAMP(s) approved under condition D16 as revised from time to time) must be implemented by the Applicant for the life of the development.

Operational Noise Limits

- E8. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits within the *New Marsden Park Public School Noise & Vibration Impact Assessment* dated 18 July 2019 and prepared by Acoustic Logic Consultancy Pty Ltd.
- E9. 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 of use of each stage of the development to verify that operational noise

levels do not exceed the recommended noise levels for mechanical plant and for the use of the multipurpose hall outside of school hours identified within the *New Marsden Park Public School Noise & Vibration Impact Assessment* dated 18 July 2019 and prepared by Acoustic Logic Consultancy Pty Ltd. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- E10. 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

- E11. The Green Travel Plan required by condition D15 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary. A copy of the updated Green Travel Plan must be provided to the Planning Secretary within one month of being updated.

Ecologically Sustainable Development

- E12. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification (or an alternative solution under condition B9) 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.
- E13. The Applicant must implement the rainwater re-use plan required by condition B10 for the duration of the development.

Outdoor Lighting

- E14. Notwithstanding condition D30, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

- E15. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Operational Landscape Management Plan required by condition D35 for the duration of occupation of the development.

Erosion, Sediment control and water quality

- E16. The Applicant must demonstrate that the development will at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Blacktown City Council Growth Centre Precincts Development Control Plan for the entire site:

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45

Asset Protection Zones

- E17. Prior to the commencement of operation, the entire property must be managed as an inner protection zone (IPA) as outlined within section 4.1.3 and Appendix 5 of the *Planning for Bush Fire Protection 2006* and the NSW RFS document Standards for asset protection zones.

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.

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

Utilities and Services

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

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

Road Design and Traffic Facilities

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

Road Occupancy Licence

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

SafeWork Requirements

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

Hoarding Requirements

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

Handling of Asbestos

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

Speed limit authorisation

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

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

Fire Safety Certificate

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

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: compliance@planning.nsw.gov.au 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 A24 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.