

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

These conditions are required to:

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



David Gainsford
Executive Director
Priority Projects

Sydney 21st February 2019

SCHEDULE 1

Application Number:	SSD 8365
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning
Site:	Lots 3 to 15 DP 8173, 510 Forest Road, Penshurst
Development:	Redevelopment and operation of Penshurst Public School, comprising: • site preparation works including demolition of existing buildings on Lots 8 to 11 DP 8173 and the removal of 30 trees • site remediation works • site consolidation • construction of a new four storey building, comprising: ○ indoor and outdoor learning areas ○ administration areas, staff facilities and library ○ multi-purpose hall /canteen/out of school hours building ○ rooftop covered outdoor learning area and student amenities block. • construction of a new assembly/courtyard space, comprising a multi-purpose outdoor court • construction of an at-grade car park accommodating 20 car parking spaces • site landscaping, including planting of new trees, various shrubs, ground covers, evergreen climbers over rooftop shade

structures, screen planting along the northern site boundary, new turf planting to the southern end of the site comprising a mass planted drainage swale

- ancillary infrastructure services, including installation of a new substation and installation of a new on-site detention tank, rainwater tank and associated new stormwater connections to Arcadia Street.

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>
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	NSW Department of Education, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical works to enable operation, including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following: • building and road dilapidation surveys; • investigative drilling, investigative excavation or Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
Council	Georges River 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 and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the redevelopment and operation of Alexandria Park Community School, as modified and/or limited by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	Environmental Impact Statement titled <i>State Significant Development, Penshurst Public School Redevelopment, 510 Forest Road, Penshurst (Cnr Forest Road and Arcadia Street)</i> , prepared by DFP Planning Consultants and dated 30 April 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings

EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
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 Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Section 8 of the Applicant's EIS
Material harm	Is harm that: 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 (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 9.40 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
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
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.

Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Remediation	Site remediation works as set out in the report titled <i>Preliminary Stage 2 Site Investigation and Remediation Action Plan</i> , prepared by Environmental Investigation Services and dated 25 September 2018
RtS	Response to Submissions titled <i>State Significant Development – SSD 17_8365 Penshurst Public School Redevelopment</i> , 510 Forest Road, Penshurst (Cnr Forest Road and Arcadia Street, prepared by DFP Planning Consultants and dated 16 October 2018 submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
RMS	NSW Roads and Maritime Services
SA NSW	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

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

Subdivision Plan prepared by <i>Paul Anthony Cechellero</i>			
Dwg No.	Rev.	Name of Plan	Date
Sheet 1 of 1 sheets	N/A	PLAN OF CONSOLIDATION OF LOTS 3-15 IN DP 8173	27/09/18
Architectural Drawings prepared by <i>Perumal Pedavoli Architects</i>			
Dwg No.	Rev.	Name of Plan	Date
3199-ARC-DD_00_001	A	LEGEND SHEET	31/08/18
3199-ARC-DA_00_002	N/A	SITE SURVEY PLAN	28/03/18
3199-ARC-DA_00_003	N/A	DEMOLITION PLAN	28/03/18
3199-ARC-DA_00_011	N/A	SITE SIGNAGE PLAN	28/03/18
3199-ARC-DD_00_100	A	OVERALL SITE FENCE PLAN	31/08/18
3199-ARC-DD_00_200	A	OVERALL SITE MASTERPLAN	31/08/18
3199-ARC-DD_01_101	A	FLOOR PLAN - LEVEL 0 - PART 1	31/08/18
3199-ARC-DD_01_102	A	FLOOR PLAN - LEVEL 0 - PART 2	31/08/18
3199-ARC-DD_01_103	A	FLOOR PLAN - LEVEL 0 - PART 3	31/08/18
3199-ARC-DD_01_111	A	FLOOR PLAN - LEVEL 1 - PART 1	31/08/18
3199-ARC-DD_01_112	A	FLOOR PLAN - LEVEL 1 - PART 2	31/08/18
3199-ARC-DD_01_113	A	FLOOR PLAN - LEVEL 1 - PART 3	31/08/18
3199-ARC-DD_01_121	A	FLOOR PLAN - LEVEL 2 - PART 1	31/08/18
3199-ARC-DD_01_122	A	FLOOR PLAN - LEVEL 2 - PART 2	31/08/18
3199-ARC-DD_01_123	A	FLOOR PLAN - LEVEL 2 - PART 3	31/08/18
3199-ARC-DD_01_131	A	FLOOR PLAN - LEVEL 3 - PART 1	31/08/18
3199-ARC-DD_01_132	A	FLOOR PLAN - LEVEL 3 - PART 2	31/08/18
3199-ARC-DD_01_133	A	FLOOR PLAN - LEVEL 3 - PART 3	31/08/18
3199-ARC-DD_01_141	A	ROOF PLAN - PART 1	31/08/18
3199-ARC-DD_01_142	A	ROOF PLAN - PART 2	31/08/18
3199-ARC-DD_01_143	A	ROOF PLAN - PART 3	31/08/18
3199-ARC-DD_01_201	A	ELEVATIONS - SHEET 1	31/08/18
3199-ARC-DD_01_202	A	ELEVATIONS - SHEET 2	31/08/18
3199-ARC-DD_01_203	A	ELEVATIONS - SHEET 3	31/08/18

3199-ARC-DD_01_211	A	SECTIONS - SHEET 1	31/08/18
3199-ARC-DD_01_212	A	SECTIONS - SHEET 2	31/08/18
3199-ARC-DD_01_213	A	SECTIONS - SHEET 3	31/08/18
3199-ARC-DD_01_214	A	SECTIONS - SHEET 4	31/08/18
3199-ARC-DD_01_215	A	SECTIONS - SHEET 5	31/08/18
3199-ARC-DD_01_216	A	SECTIONS - SHEET 6	31/08/18
3199-ARC-DD_01_217	A	SECTIONS - SHEET 7	31/08/18
3199-ARC-DD_01_220	A	WALL SECTIONS SHEET 1	31/08/18
3199-ARC-DD_01_221	A	WALL SECTIONS SHEET 2	31/08/18
3199-ARC-DD_01_222	A	WALL SECTIONS SHEET 3	31/08/18
3199-ARC-DD_01_223	A	WALL SECTIONS SHEET 4	31/08/18
3199-ARC-DD_01_224	A	WALL SECTIONS SHEET 5	31/08/18
3199-ARC-DD_01_401	A	FINISHES PLAN - LEVEL 0 - PART 1	31/08/18
3199-ARC-DD_01_402	A	FINISHES PLAN - LEVEL 0 - PART 2	31/08/18
3199-ARC-DD_01_403	A	FINISHES PLAN - LEVEL 0 - PART 3	31/08/18
3199-ARC-DD_01_411	A	FINISHES PLAN - LEVEL 1 - PART 1	31/08/18
3199-ARC-DD_01_412	A	FINISHES PLAN - LEVEL 1 - PART 2	31/08/18
3199-ARC-DD_01_413	A	FINISHES PLAN - LEVEL 1 - PART 3	31/08/18
3199-ARC-DD_01_421	A	FINISHES PLAN - LEVEL 2 - PART 1	31/08/18
3199-ARC-DD_01_422	A	FINISHES PLAN - LEVEL 2 - PART 2	31/08/18
3199-ARC-DD_01_423	A	FINISHES PLAN - LEVEL 2 - PART 3	31/08/18
3199-ARC-DD_01_431	A	FINISHES PLAN - LEVEL 3 - PART 1	31/08/18
3199-ARC-DD_01_432	A	FINISHES PLAN - LEVEL 3 - PART 2	31/08/18
3199-ARC-DD_01_433	A	FINISHES PLAN - LEVEL 3 - PART 3	31/08/18
Landscape Drawings prepared by Lorna Harrison Landscape Architects			
Dwg No.	Rev.	Name of Plan	Date
555 LAN DD 01	A	LANDSCAPE SITE PLAN – TREES RETAINED/REMOVED	31/08/18
555 LAN DD 02	A	LANDSCAPE SITE PLAN – GROUND LEVEL	31/08/18
555 LAN DD 02_C	A	LANDSCAPE SITE PLAN – GROUND LEVEL CENTRAL ZONE	31/08/18
555 LAN DD 02_N	A	LANDSCAPE SITE PLAN – GROUND LEVEL NORTH	31/08/18
555 LAN DD 02_S	A	LANDSCAPE SITE PLAN – GROUND LEVEL SOUTH	31/08/18
Stormwater/Drainage Drawings prepared by Woolacotts Consulting Engineers			
Dwg No.	Rev.	Name of Plan	Date
3199-CIV-AS-02_001	C	SCHEMATIC DESIGN – CIVIL WORKS SITE PLAN	28/03/18
3199-CIV-AS-SW1	C	STORMWATER MANAGEMENT PLAN	28/03/18
3199-CIV-AS-SW2	C	EROSION AND SEDIMENT CONTROL PLAN	28/03/18

- 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; and
 - (b) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Design Amendments

- A5. The proposed Chinese Tallowood (*Sapium sebiferum*) Arcadia Street trees (11) must be replaced with either Fiddlewood (*Citharexylum spinosum*), Jacaranda (*Jacaranda mimosifolia*) or Pear Tree (*Pyrus calleryana*) to minimise potential off-site environmental impacts to existing nature vegetation areas.
- A6. Details demonstrating compliance with condition A5 must be provided to the satisfaction of the Certifying Authority prior to the commencement of building works.

Limits of Consent

- A7. This consent lapses five years after the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A8. 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

- A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Long Service Levy

- A10. 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

- A11. Any advice or notice to the consent authority must be served on the Planning Secretary.

Evidence of Consultation

- A12. 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, Combining and Updating Strategies, Plans or Programs

- A13. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, 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 or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and 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. If the Planning Secretary agrees, a strategy, 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.

A15. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Demolition

A16. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

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.

However, 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

A20. 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, compliance reporting 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

- A21. 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 environmental 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

- A22. 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.

ADVISORY NOTES

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

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department 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

- B2. Prior to the commencement of building works, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
 - (b) this development consent.

External Walls and Cladding

- B3. Prior to the commencement of building works, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use 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 Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Protection of Public Infrastructure

- B4. Before 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 Certifying Authority and Council.

Site Contamination

- B5. Following the completion of demolition works and prior to the commencement of any construction, additional site investigations of previously untested in inaccessible areas of the site must be undertaken in accordance with:
- (a) NSW EPA Sampling Design Guidelines;
 - (b) Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017;
 - (c) <https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>;
 - (d) Guidelines for Consultants Reporting on Contaminated Sites, 2011 www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf;
 - (e) The National Environment Protection (assessment of contamination) Measures 2013 as amended Testing must include assessment of both the soil and groundwater profile.
- B6. The Remediation Action Plan, titled *Preliminary Stage 2 Site Investigation and Remediation Action Plan*, prepared by Environmental Investigation Services and dated 25 September 2018, must be updated to reflect the findings of the additional site investigations required by condition B8. The updated Remediation Action Plan must be approved by a NSW EPA Accredited Site Auditor and submitted to the Planning Secretary prior to commencement of remediation works.
- B7. Prior to the commencement of remediation works, an asbestos works management plan must be prepared and submitted for review by a NSW EPA accredited Site Auditor. The asbestos works management plan must be implemented following the receipt of confirmation from the

NSW EPA accredited Site Auditor that the asbestos works management plan is considered appropriate.

- B8. Remediation works approved as part of this development consent must be carried out in accordance with the report titled, as required to be updated by condition B5, *Preliminary Stage 2 Site Investigation and Remediation Action Plan*, prepared by Environmental Investigation Services and dated 25 September 2018.
- B9. Upon completion of remedial works, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the school land use and be provided to the satisfaction of the Certifying Authority.

Unexpected Contamination Procedure

- B10. 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 B17 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Utilities and Services

- B11. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- B12. 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.

Community Communication Strategy

- B13. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, 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.

The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than two weeks before the commencement of any work.

Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

Ecologically Sustainable Development

- B14. Prior to the commencement of construction, the Applicant must register for a minimum 4 star Green Star rating with the Green Building Council Australia, unless otherwise agreed by the Planning Secretary and submit evidence of registration to the Certifying Authority.

Outdoor Lighting

- B15. Prior to commencement of building works, all outdoor lighting within the site must comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority.

Access for People with Disabilities

- B16. 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 building works, the Certifying Authority 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.

Construction Environmental Management Plan

- B17. Prior to commencement of construction, the Applicant must prepare a Construction Environmental Management Plan (CEMP) and it 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 4282-1997 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B19);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition B20);
 - (d) Construction Waste Management Sub-Plan (see condition B21);
 - (e) Construction Soil and Water Management Sub-Plan (see condition B22);
 - (f) an unexpected finds protocol for contamination and associated communications procedure;
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
 - (h) 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.
- B18. The Applicant must not commence construction of the development until the CEMP is approved by the Certifying Authority and a copy submitted to the Planning Secretary.
- B19. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must 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 RMS;

- (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, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B20. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition B20(d); and
 - (f) include a complaints management system that would be implemented for the duration of the construction.
- B21. The Construction Waste Management Sub-Plan (CWMSPP) 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;
 - (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 any building works.
- B22. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction;
 - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (d) detail all off-Site flows from the Site; and
 - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI).

Construction Parking

- B23. The Applicant must provide sufficient construction vehicle parking facilities on-site, including for heavy vehicles and workers, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

Stormwater Management System

- B24. Prior to the commencement of building works, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifying Authority. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards;
 - (d) 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;

Operational Noise – Design of Mechanical Plant and Equipment

- B25. Prior to commencement of building works, the Applicant must incorporate the noise mitigation recommendations in the report titled *Acoustic Assessment Report, Penshurst Public School Arcadia Street, Penshurst, Report No. 6320-1.1R Rev E*, prepared by Day Design Pty Ltd and dated 11 October 2018, into the detailed design drawings. The Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the project noise trigger levels established based on the more conservative Rating Background Noise levels identified in the report titled *Acoustic Assessment Report, Penshurst Public School Arcadia Street, Penshurst, Report No. 6320-1.1R Rev E*, prepared by Day Design Pty Ltd and dated 11 October 2018.

Construction and Demolition Waste Management

- B26. The Applicant must notify the RMS Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

Operational Waste Storage and Processing

- B27. Prior to the commencement of building works, the Applicant must obtain agreement from Council for the design of the operational waste storage area where waste removal is undertaken by Council.

Mechanical Ventilation

- B28. All mechanical ventilation systems must be designed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings– Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works.

Rainwater Harvesting

- B29. Prior to the commencement of building works, 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.

Car Parking and Service Vehicle Layout

- B30. Compliance with the following requirements must be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works:
- (a) all vehicles must enter and leave the Site in a forward direction;
 - (b) minimum of 20 on-site car parking spaces for use during operation of the development and designed in accordance with the latest version of AS2890.1;
 - (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with AUSTROADS; and
 - (d) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Bicycle Parking and End-of-Trip Facilities

- B31. Compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of building works:
- a) the provision of a minimum 32 bicycle parking spaces, comprising a minimum 20 staff, 12 primary school student bicycle parking spaces;
 - b) the provision details of demonstrating suitable weather protection of student bicycle parking spaces;
 - c) the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
 - d) the provision of end-of-trip facilities for staff in accordance with the ESD Design & As Built rating tool;
 - e) appropriate pedestrian and cyclist advisory signs are to be provided; and
 - f) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Public Domain Works

- B32. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifying Authority that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifying Authority.

Archival Recording

- B33. Prior to the commencement of demolition works on-site, a photographic archival record of the external and internal areas of buildings and structures to be demolished must be prepared in accordance with the recommendations in the report titled *Statement of Heritage Impact, Penshurst Public School*, prepared by Perumal Murphy Alessi and dated January 2018 and supplementary advice prepared by Perumal Murphy Alessi and dated September 2018; and the NSW Heritage Branch guidelines titled *Photographic Recording of Heritage Items using Film or Digital Capture*. A hardcopy and digital copy must be submitted to Council, the Heritage Division and the Planning Secretary prior to demolition works commencing.

Compliance Reporting

- B34. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.

Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.

- B35. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance

Reuse of Heritage Fabric

- B36. Under the guidance of a suitably qualified heritage consultant, significant and original heritage fabric including but not limited to timber floors, windows, doors, brickwork and any other notable features is to be salvaged and reused during the construction phase for buildings and landscaping purposes. Where reuse is not possible on site, these items must be stored in perpetuity on site or donated to a reputable local recycling facility or centre specialising in building materials.

Landscaping

- B37. Prior to the commencement of building works, the Applicant must prepare a Landscape Management Plan to manage the approved landscaping works on-site, to the satisfaction of the Certifying Authority. The plan must:
- (a) be generally in accordance with the approved landscape plan outlined in condition A2 prepared by Lorna Harrison Landscape Architects and amended as required by condition A5;
 - (b) ensure that no more than 30 trees are removed from the site and identifies all other existing trees to be retained;
 - (c) detail the species to be planted on-site, including the seven advanced *Lophostemon confertus* screen tree plantings, a minimum 400L in pot size along the northern boundary;
 - (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works;
 - (e) be consistent with the Applicant's Management and Mitigation Measures in the EIS;
 - (f) provide for the planting of trees and vegetation to soften the visual impact of the approval built form from the public domain and provide shade;
 - (g) include details to ensure native trees removed from the site are salvaged (eg tree trunks greater than 25-30cm in diameter and 3m in length) and used to enhance habitat on site; and
 - (h) include details of nest boxes suitable for native fauna likely to utilise the site such as birds, bats and arboreal fauna
 - (i) detail where on the site, salvaged and reused heritage fabric has been used.

PART C DURING CONSTRUCTION

Approved Plans to be On-site

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Site Notice

- C2. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
 - (b) is to satisfy all but not be limited to, the following requirements:
 - (i) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (iii) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- C3. All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Demolition

- C4. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

Construction Hours

- C5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7 am and 6 pm, Mondays to Fridays inclusive; and
 - (b) between 8 am and 1 pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- C6. Activities may be undertaken outside of the hours in condition C5 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or her nominee if appropriate justification is provided for the works.

Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9 am to 12 pm, Monday to Friday;
 - (b) 2 pm to 5 pm Monday to Friday; and
 - (c) 9 am to 12 pm, Saturday.

Implementation of Management Plans

- C8. 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

- C9. All construction vehicles (excluding worker 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 before stopping.

Road Occupancy Licence

- C10. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Forest Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

SafeWork Requirements

- C11. 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

- C12. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;
 - (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; and
 - (c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

- C13. 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. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Construction Noise Limits

- C14. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C15. 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 C5.
- C16. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C17. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

Vibration Criteria

- C18. 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).
- C19. 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 C18.
- C20. The limits in conditions C18 and C19 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B17 of this consent.

Tree Protection

- C21. 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 must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site must be suitably protected during construction as per recommendations of the report titled *Arboricultural Impact Assessment Report*, prepared by Glenyss Laws Consulting Arborist and dated September 2018 (Revision C); and
 - (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Dust Minimisation

- C22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C23. 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.

Air Quality Discharges

- C24. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

Erosion and Sediment Control

- C25. 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.

Imported Soil

C26. 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 Certifying Authority upon request.

Disposal of Seepage and Stormwater

C27. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.

Unexpected Finds Protocol – Aboriginal Heritage

C28. 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 OEH 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 OEH to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of OEH.

Unexpected Finds Protocol – Historic Heritage

C29. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the OEH Heritage Division 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 Heritage Division of the OEH.

Waste Storage and Processing

- C30. Waste 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.
- C31. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C32. The body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste of spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.
- C33. 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.

Handling of Asbestos

C34. The Applicant is to 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.

Community Engagement

C35. The Applicant must consult with the community regularly throughout construction, including consultation with the nearby sensitive receivers identified in the EIS, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

Independent Environmental Audit

- C36. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- C37. No later than four weeks after the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.
- C38. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
- (a) an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
 - (b) a subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.
- C39. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C36 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C40. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C39 of this consent;
 - (b) submit the response to the Department and the Certifying Authority; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.
- C41. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to cease, where it has been demonstrated to the Planning Secretary's satisfaction that ongoing operational audits are no longer required.

Incident Notification, Reporting and Response

- C42. The Department 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.

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

Non-Compliance Notification

- C43. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

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.

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

C44. Within three months of:

- (a) the submission of a compliance report under condition B34;
- (b) the submission of an incident report under condition C42;
- (c) the submission of an Independent Audit under condition C39;
- (d) the issue of a direction of the Planning Secretary under condition A3 which requires a review,

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

C45. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Certifying Authority. Where revisions are required, the revised document must be submitted to the Certifying Authority for approval 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 D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Notification of Occupation

- D1. The date of commencement of the occupation of the development must be notified to the Department in writing, at least one month before occupation. If the operation of the development is to be staged, the Department 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 the occupation of the building, the Applicant must provide the Certifying Authority 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 Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Post-construction Dilapidation Report

- D4. Prior to occupation of the building, 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 Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifying Authority 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.

Utilities and Services

- D6. Prior to occupation of the building, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council and submitted to the Certifying Authority.

Works as Executed Plans

- D7. Prior to occupation of the building, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority.

Operational Transport and Access Management Plan

- D8. An OTAMP must be prepared for the school by a suitably qualified person, in consultation with Council, Transport for NSW and RMS, to the satisfaction of the Secretary, and 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 site 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, including staff management/traffic controller arrangements;
- (d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations, 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;
- (h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (i) a monitoring and review program.

The OTAMP(s) must be submitted to the Secretary for approval prior to operation of the development.

The OTAMP(s) (as revised from time to time) must be implemented by the Applicant for the life of the development.

Green Travel Plan

- D9. Prior to the commencement of operation, a Green Travel Plan (GTP), must be prepared and be submitted to the 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 Transport for NSW;
 - (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 students and staff to and from the school at appropriate times throughout the academic year.

Parking Restrictions

- D10. Prior to the commencement of operations, the Applicant must submit to Council, for approval from Council's Traffic Committee, documentation for the installation of the recommended 13 '5P Parking' spaces and associated signage on the eastern and western sides of Penshurst Public School's Arcadia Street frontage in accordance with the report titled *Traffic Impact Assessment; Penshurst Public School*, prepared by ptc. and dated 10 October 2018. The restrictions are to apply on a part-time basis on School Days only between 8:00 am to 9.30 am and 2.30 pm – 4:00 pm. Any fees associated with reporting to the Traffic Committee must be paid by the Applicant prior to processing the application. The installation of the signs must be at no cost to Council. Evidence of approval and installation of relevant signage must be submitted to the Planning Secretary prior to the commencement of operations.
- D11. The 13 5P parking spaces must be monitored during the AM and PM peak drop-off/pick-up periods twice weekly for the first school term of operation and one day per week during the AM and PM peak drop-off/pick-up period for the second school term of operation unless otherwise agreed by the Planning Secretary. A monthly report over a six-month period must be prepared by a suitable qualified person including a discussion of the results of the monitoring including:

- (a) time period monitored (date, time);
 - (b) number of vehicles using the drop-off/pick-up;
 - (c) length of time each vehicle loads/unloads students;
 - (d) an assessment of how the drop-off/pick-up zone is operating, and whether there is any observed road safety and efficiency impacts on Arcadia Street; and
 - (e) any other relevant information as required.
- D12. If after six months of operation, the results of the monitoring indicate road safety and efficiency issues of the drop-off/pick-up zone, alternative arrangements must be made in consultation with Council to address these issues. Alternative arrangements are to be incorporated into an updated OTAMP and submitted to the Planning Secretary for approval.

Heritage Interpretation Plan

- D13. The Applicant must prepare a Heritage Interpretation Plan to acknowledge the historic heritage of the site. The plan must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the OEH NSW Heritage Division and Council and generally in accordance with the recommendations of the report titled *Statement of Heritage Impact, Penshurst Public School*, prepared by Perumal Murphy Alessi and dated January 2018 and supplementary advice prepared by Perumal Murphy Alessi and dated September 2018;
 - (b) be submitted to by the Certifying Authority prior to the commencement of operation;
 - (c) include provision for naming elements of the new school, displaying interpretative material and physical building fabric of the heritage significant 1925 school building in new school buildings and on the site that acknowledges the site's heritage; and
 - (d) incorporates interpretive information in to the landscape design for the site, such as signs and plaques.
- D14. The Applicant must:
- (a) not commence operation until the Heritage Interpretation Plan is submitted to the Certifying Authority; and
 - (b) implement the most recent version of the Heritage Interpretation Plan submitted to the Certifying Authority.

Mechanical Ventilation

- D15. Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Certifying Authority, prior to the final occupation, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
 - (b) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
 - (c) the development consent and any relevant modifications; and
 - (d) any dispensation granted by the NSW Fire Brigade.

Road Damage

- D16. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to commencement of use of any stage of the development.

Fire Safety Certification

- D17. Prior to the final 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

- D18. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. 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 Certifying Authority 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.
 - (c) person/s authorised to, for the life of the development.

Compliance with Food Code

- D19. The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises*. The Applicant must provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to occupation.

Stormwater Quality Management Plan

- D20. Prior to occupation of the building, an Operation and Maintenance Plan (OMP) is to be prepared to ensure proposed stormwater quality measures remain effective. The OMP must 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.

- D21. Details demonstrating compliance must be submitted to the Certifying Authority prior to occupation.

Rainwater Harvesting

- D22. A signed works-as-executed Rainwater Re-use Plan must be provided to the Certifying Authority prior to occupation of the building.

Outdoor Lighting

- D23. The Applicant must ensure the installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers. Outdoor lighting must:
- (a) comply with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Upon installation of outdoor lighting, but before it is finally commissioned, the Applicant must submit to the Certifier evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

Warm Water Systems and Cooling Systems

- D24. The installation, 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 Parts 1 and 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.

Signage

- D25. Way-finding signage and signage identifying the location of staff car parking must be installed prior to occupation.
- D26. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.
- D27. 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site prior to occupation.

Operational Waste Management Plan

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

Validation Report

- D29. The Applicant must prepare a Validation Report for the development. The Validation Report must:
 - (a) be prepared by an appropriately qualified environmental consultant and reviewed by an EPA accredited Site Auditor;
 - (b) be submitted to EPA, the Planning Secretary and the Certifying Authority for information one month after the completion of remediation works;
 - (c) be prepared in accordance with the Remediation Action Plan, as required to be updated in accordance with condition B5, and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011);
 - (d) include, but not be limited to:
 - (i) comment on the extent and nature of the remediation undertaken;
 - (ii) describe the location, nature and extent of any remaining contamination on site;
 - (iii) sampling and analysis plan and sampling methodology;
 - (iv) results of sampling of treated material, compared with the treatment criteria in the report titled *Preliminary Stage 2 Site Investigation and Remediation Action Plan*, prepared by Environmental Investigation Services and dated 25 September 2018;
 - (v) details of the volume of treated material emplaced within the containment cell and its location (if relevant);
 - (vi) results of any validation sampling, compared to relevant guidelines/criteria;
 - (vii) discussion of the suitability of the remediated areas for the intended land use; and
 - (viii) any other requirement relevant to the project.

Site Audit Report and Site Audit Statement

- D30. Prior to occupation of the building, the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use(s).
- D31. Within three months of submission of the Validation Report required by condition D29, the Applicant must demonstrate to the satisfaction of the Certifying Authority that the Site Auditor has submitted a Site Audit Report and Site Audit Statement to EPA in accordance with the requirements of EPA's *Guidelines for the NSW Site Auditor Scheme* (DEC, 2006).

Landscaping

- D32. Following completion of all demolition work, the Applicant must undertake all landscape works detailed in the Landscape Management Plan required by condition B37 to the satisfaction of the Certifying Authority.

Ecologically Sustainable Development

- D33. Within 6 months of commencement of operation, Green Star certification must be obtained unless otherwise agreed to by the Planning Secretary, demonstrating the development achieves a minimum 4 star Green Star As Built rating. Evidence of the certification must be provided to the Certifying Authority and the Planning Secretary.

Operational Management Plan (Rooftop)

- D34. An operational management plan is to be prepared, managed and implemented by the school outlining supervision, mitigation and management practices to be implemented by the school to ensure that the use of the rooftop areas do not result in excessive noise or detrimental amenity impacts to noise sensitive receivers. The completed operational management plan must be provided to the Certifying Authority and the Planning Secretary prior to operation.

Road Safety Evaluation

- D35. Prior to operation, a Road Safety Evaluation (RSE) on all relevant sections of road utilised for bus and private vehicle pick-up and drop-off is to be conducted.
- D36. Appropriate road safety measures and/or traffic management measures based on the findings of the RSE, must be implemented in consultation with Council and RMS.

PART E POST OCCUPATION

Operation of Plant and Equipment

- E1. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Community Communication Strategy

- E2. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Out of Hours Event Management Plan

- E3. The Applicant is to prepare an Out of Hours Event Management Plan for out of hours events run by the school that involve 100 or more people. The plan must be prepared in consultation with Council, and include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) measures to minimise localised traffic and parking impacts; and
 - (f) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.

The Applicant must submit a copy of the Out of Hours Event Management Plan to the Department and to the Council, prior to commencement of the first event.

The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.

- E4. The Applicant is to prepare an Out of Hours Event Management Plan for out of hours events run by external parties that involve 100 or more people. The plan must be prepared prior to each relevant event, in consultation with Council, and include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) measures to minimise localised traffic and parking impacts; and
 - (f) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.

The Applicant must submit a copy of the Out of Hours Event Management Plan to the Department and to the Council, prior to commencement of each relevant event.

The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

Operational Noise Limits

- E5. The Applicant must ensure that noise generated by operation of the development does not exceed the project noise trigger levels established based on the more conservative Rating Background Noise levels as detailed in the report titled *Acoustic Assessment Report, Penshurst Public School Arcadia Street, Penshurst, Report No. 6320-1.1R Rev E*, prepared by Day Design Pty Ltd and dated 11 October 2018.

- E6. 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 the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the report titled *Acoustic Assessment Report, Penshurst Public School Arcadia Street, Penshurst, Report No. 6320-1.1R Rev E*, prepared by Day Design Pty Ltd and dated 11 October 2018. 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

- E7. 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

- E8. The Green Travel Plan required by condition D9 of this consent must be updated annually and implemented.

Outdoor Lighting

- E9. Notwithstanding Condition D23, 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.

Fire Safety Certificate

- E10. 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.

Landscaping

- E11. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B37 for the duration of occupation of the development.

APPENDIX 1 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 Department 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 C43 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:
 - (i) a summary of the incident;
 - (j) outcomes of an incident investigation, including identification of the cause of the incident;
 - (k) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (l) details of any communication with other stakeholders regarding the incident.