

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 9 March 2022, 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.



Karen Harragon
Director
Social and Infrastructure Assessments

Sydney

14 October 2022

SCHEDULE 1

Application Number:	SSD-11802230
Applicant:	Department of Education
Consent Authority:	Minister for Planning
Site:	Lot 1 DP 1276305, 7 Burroway Road, Wentworth Point.
Development:	Construction and operation of a new high school including the construction of two x six storey wing buildings, a two storey hall, sports courts, landscaping and associated works.

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
Amendment Report	The Amendment Report titled <i>Amendment Report Sydney Olympic Park new high school</i> , prepared by Mecone and dated 8 June 2022.
Applicant	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>
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
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
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including (unless specifically excluded by a condition) 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:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • 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. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	City of Parramatta 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, Response to Submissions to the EIS as amended by the Amendment Report and Response to Submissions to the Amendment Report including the works and activities specified in Schedule 1 and 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
EHG	Environment and Heritage Group of the Department of Planning and Environment
EIS	The EIS titled <i>Environmental Impact Statement, Sydney Olympic Park new high school</i> , prepared by Mecone and dated 17 September 2021, 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
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Future Eastern Road	A proposed future road by others to service Peninsula Park and Lot 2 DP 1276305, as described in the Amendment Report.
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage NSW, Department of Planning and Environment
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 2020 (or other updated version 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
EMP	Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in Section 8 of the Amendment Report.
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 (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
NSW SES	NSW State Emergency Service
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, excluding operational readiness work
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Operational readiness work	Use of the completed areas of the development by school staff to prepare for the operation of the development
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 to Amendment Report	The Applicant’s response to issues raised in submissions received to the Amendment Report in relation to the application for consent for the development under the EP&A Act, titled <i>Submissions Report Sydney Olympic Park new high school</i> , prepared by Mecone and dated 5 August 2022.
Response to submissions to EIS	The Applicant’s response to issues raised in submissions received to the EIS in relation to the application for consent for the development under the EP&A Act, titled <i>Submissions Report Sydney Olympic Park new high school</i> , prepared by Mecone and dated 11 April 2022.
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>
SOMP	Stormwater Operational Maintenance Plan
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 as amended by the Amendment Report and Response to Submissions' to the EIS and Amendment Report; and
 - (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by Woods Bagot			
Dwg No.	Rev	Name of Plan	Date
DA1102	H	Site Plan Proposed	07/06/22
DA1200	H	Proposed Ground Plan	07/06/22
DA1201	E	Proposed Plan Level 1	20/05/22
DA1202	F	Proposed Plan Level 2	20/05/22
DA1203	F	Proposed Plan Level 3	20/05/22
DA1204	F	Proposed Plan Level 4	20/05/22
DA1205	G	Proposed Plan Level 5	20/05/22
DA1206	F	Proposed Plan Roof	09/09/22
DA1300	K	Proposed Elevations	09/09/22
DA1301	J	Proposed Elevations	09/09/22
DA1302	G	Proposed Sections	09/09/22
DA 1303	F	Proposed Sections	09/09/22
SSDA Schedule	A	Materials Schedule	09/09/22
Landscape Plans prepared by Urbis			
Dwg No.	Rev	Name of Plan	Date
L000	E	Cover Sheet	02/06/22
L001	E	Plant Schedule	01/06/22
L201	D	Finishes Plan	01/06/22
L221	C	Finishes Plan L2	02/06/22
L501	D	Planting Plan GF	01/06/22
L521	C	Planting Plan L2	02/06/22
L801	A	Detailed Section Interfaces 1	12/09/22
L802	A	Detailed Section Interfaces 2	12/09/22

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent,

including those that are required to be, and have been, approved by the Planning Secretary;

- (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
- (c) the implementation of any actions or measures contained in any such document referred to in (a) above.

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in 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.

Student numbers

A6. The student population must not exceed 850.

A7. Notwithstanding condition A6, the maximum student population may exceed 850 by up to a maximum 20 additional students from time to time, to allow for anticipated enrolment fluctuations on a temporary basis.

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.

Evidence of Consultation

A10. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

Staging

A11. The project may be constructed in stages. Where compliance with conditions is required to be staged due to staged construction, a Staging Report 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.

A12. A Staging Report prepared in accordance with condition A11 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) specify how compliance with conditions will be achieved across and between each of the construction stages of the project; and
- (c) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

- A13. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A14. Where construction 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 including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

- A15. 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).
- A16. Any strategy, plan or program prepared in accordance with condition A15, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A17. 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.
- A18. 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

- A19. 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:

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

External Walls and Cladding

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A21. 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.
- A22. 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

A23. 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

A24. 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 and publicly available for 12 months after the commencement of operations.

Compliance

A25. 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

A26. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A27. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

A28. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

A29. 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.

- A30. 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

- A31. Within three months of:

- (a) the submission of an incident report under condition A27;
- (b) the submission of an Independent Audit under condition C36 or C38;
- (c) the approval of any modification of the conditions of this consent; or
- (d) 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.

- A32. 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.

Burroway Road Drop-off/Pick-up Facilities

- A33. Within 6 months of the school population forecasted to reach 510 students, appropriate surveys must be undertaken of the Burroway Road drop-off/pick-up facilities in both the morning and afternoon peak periods (over multiple days) to determine the adequacy of the operation of the drop-off/pick-up facilities and adjoining/surrounding road network and its ability to accommodate student population demands. The surveys must include:

- (a) the number of vehicles using the drop-off/pick-up facilities throughout the morning and afternoon drop-off/pick-up peak periods;
- (b) the number of occupied and unoccupied parking spaces within the drop-off/pick-up facilities on Burroway Road throughout the morning and afternoon peak periods;
- (c) the extent of any vehicle queuing that takes place within the drop-off/pick-up facilities or surrounding streets during the morning and afternoon school drop-off/pick-up peak periods;
- (d) typical dwell time (length of stay) of vehicles within the drop-off/pick-up facilities; and
- (e) the proportion of students being dropped off at locations other than the drop-off/pick-up facilities, including on surrounding streets or within Wentworth Public School drop-off/pick-up facilities, via interview surveys to be conducted by the school.

- A34. Following completion of the surveys under Condition A33, a report must be prepared by a suitably qualified person and submitted to the satisfaction of the Planning Secretary and to Council for information. The report must:

- (a) include an analysis, based on the findings from the surveys which identifies any existing shortfall in capacity of drop-off/pick-up facilities operation, consequent vehicle queuing and student drop-off/pick-up on surrounding streets;
- (b) assess the likely increase in demand on the drop-off/pick-up facilities based on the additional vehicle trips associated with the school reaching full student capacity (850) and conclude whether the increase demand for drop-off/pick-up facilities could be accommodated on Burroway Road; and
- (c) where the report concludes that insufficient space would be available on Burroway Road to accommodate the additional demands, to ensure that the increase in students to 850

would not adversely affect the safety or efficiency of surrounding streets the report must detail sufficient mitigation measures including but not limited to:

- (i) additional on-site management staffing of the drop-off/pick-up facilities to provide for efficient traffic management and facilitate a higher turnover of vehicles within the area;
- (ii) staggered start and finish times to spread the drop-off/pick-up demand over a longer time periods;
- (iii) frequent or annual review of the School Transport Plan to improve effectiveness of mode share shifts towards public and active transport options; and
- (iv) provision of additional drop-off/pick-up facilities on Burroway Road or future roads.

A35. Any mitigation measures recommended in the report required by condition A34, must be implemented prior to the school reaching 850 students. Evidence of any implemented mitigation measures must be submitted to the satisfaction of the Planning Secretary and a copy provided to Council for information.

Removal of Encumbrances on RE1 Land

A36. Prior to Council acquiring the portion of the site zoned RE1 Public Recreation (if acquisition is pursued by Council), any encumbrances including fencing are to be removed by the Applicant, as directed by Council.

Design Modifications

A37. The perforated aluminium screen used as roof top plant enclosures (identified metal screen 06 – on the drawing titled Materials Schedule, Revision A and dated 09/09/22) must be of a colour/tone in keeping with the metal anodised finish of the upper façade levels (street frontages) and lift overruns. Details must be submitted to the satisfaction of the Planning Secretary prior to construction of building (excluding fencing, drainage, remediation, footings, ground floor slab, retaining walls, bulk earth works or jump form for the lift shaft).

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

Certified Drawings

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

External Walls and Cladding

- B4. Prior to the commencement of construction, 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.

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- B5. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

Pre-Construction Survey – Adjoining Properties

- B6. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of any building (including residential, school and commercial) that are likely to be impacted by the construction of the development.
- B7. Where the offer for a pre-construction survey is accepted (as required by condition B6), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- B8. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition B7, the Applicant must:
 - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Community Communication Strategy

- B9. 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

B10. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

- (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
- (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

B11. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting to be installed 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, AS 4282-2019 Control of the obtrusive effects of outdoor lighting and *National Light Pollution Guidelines for Wildlife* (Australian Government, 2020).

Environmental Management Plan Requirements

B12. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Notes:

- The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>.
- 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 for approval. 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) groundwater management plan including measures to prevent groundwater contamination;

- (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vi) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B9;
 - (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;
 - (c) Construction Traffic and Pedestrian Management Sub-Plan (see condition B15);
 - (d) Construction Noise and Vibration Management Sub-Plan (see condition B16);
 - (e) Construction Waste Management Sub-Plan (see condition B17);
 - (f) Construction Soil and Water Management Sub-Plan (see condition B18); and
 - (g) Construction Flood Emergency Management Plan (see condition B19).
- B14. A copy of the approved CEMP, including sub plans must be provided to the Planning Secretary within two working days of it being requested.
- B15. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail:
 - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
 - (iii) heavy vehicle routes, access and parking arrangements;
 - (iv) 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, in accordance with the latest version of AS 2890.2; and
 - (v) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s).
- B16. 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 B16(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B12.
- B17. The Construction Waste Management Sub-Plan (CWMSPP) must address, but not be limited to, the procedures for the management of waste including the following:

- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use for materials to remain;
 - (b) information regarding the recycling and disposal locations; and
 - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- B18. The Applicant must prepare a Construction Soil and Water Management Sub-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) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (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';
 - (d) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas;
 - (e) direct all sediment laden water in overland flow away from the leachate management system and prevent cross-contamination of clean and sediment or leachate laden water;
 - (f) 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);
 - (g) detail all off-site flows from the site; and
 - (h) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI and 1 in 100-year ARI.
- B19. The Construction Flood Emergency Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EHG);
 - (c) include details of:
 - (i) the flood emergency responses for 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, and users/visitors.
- 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, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of

the strategy must be provided to the Planning Secretary within two working days of it being requested.

Flood Management - Construction

- B22. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
 - (b) evacuation and refuge protocols.

Operational Noise – Design of Mechanical Plant and Equipment

- B23. Prior to installation of mechanical plant and equipment:
- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels as recommended in the Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young must be undertaken by a suitably qualified person; and
 - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the project noise trigger levels identified in the Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young.

Operational Waste Storage and Processing

- B24. Prior to the commencement of construction of the waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
 - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
 - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
 - (d) is naturally ventilated or an air handling exhaust system must be in place; and
 - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Road and Pedestrian Infrastructure Works

- B25. Prior to the commencement of road and pedestrian infrastructure works to Burroway Road, the Applicant must submit plans and technical specifications to the satisfaction of the relevant roads authority and Council (including but not limited to landscaping, footpaths/pavement design, services, pedestrian crossing facilities on Burroway Road and Footbridge Boulevard, cross overs, drop-off/pick-up facilities).
- B26. Prior to the commencement of construction of road works to Burroway Road, the Applicant must submit to the relevant road authority, an application for the proposed line markings and signage (including but not limited to signs to facilitate waste collection and drop-off/pick-up facilities) and relevant surrounding streets to the relevant roads authority for approval.

Notes:

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

- B27. The footpath along the entire Burroway Road frontage of the site (including the area adjacent to the roundabout) shall be widened with public domain materials and tree as stated in conditions B29 and B30. The width of the footpath shall be consistent with the widest section of the existing footpath with kerb that is located adjacent the site unless:

- (a) evidence is submitted to the satisfaction of Council, that the required footpath width is unable to be achieved having regard to the approved siting of the building and minimum road and parking lane width requirements adjacent the building; or
- (b) Council agrees that a lesser width is acceptable having regard to other evidence provided by the Applicant to Council.

B28. Where any section of the widened footpath requires the footpath be delivered within the development site as required by condition B27, the land on which the widened footpath is located must be dedicated to Council, unless an agreement has been reached with Council that does not require that dedication to occur.

Public Domain Works

B29. Prior to the commencement of any footpath or public domain works (within that area along Burroway Road footpath in front of the site and extending 3 metres either side of site boundaries), the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit detailed public domain construction drawings of approval for each stage from Council's Development and Traffic Services Unit Manager to the Certifier and must detail (unless otherwise approved by Council):

- (a) concrete unit paving, kerb ramp, and driveway crossovers comply with Council's Engineering Design Standards (DS40 Sheets 1-3 and DS10);
- (b) tactile ground surface indicators are provided and installed in accordance with Council's Public Domain Guidelines and AS 1428.1/AS 1428.4 (Design for Access and Mobility); and
- (c) the installation of Endeavour Energy light poles at the back of the footpath line as per existing light poles on the Burroway Road frontage.

Note:

- *Inspection* by Council officers would be required during works to ensure the public domain is constructed in accordance with Council Standards. Council's Civil Assets team must be contacted to determine hold points.
- *All works within the public domain must be constructed by licensed contractors and any soft landscape works are carried out by licensed landscape contractors.*

Street Trees

B30. Prior to the commencement of any footpath or public domain works (within that area along Burroway Road footpath in front of the site and extending 3 metres either side of the front boundary), the Applicant must consult with Council and demonstrate to the Certifier that:

- (a) a minimum 6 *Cupaniopsis Anacardioides* (Tuckeroo) trees of a minimum 200L pot size are to be planted along Burroway Road, with planter bed surrounds with location and spacing as determined by Council;
- (b) all trees are planted within a quality soil volume creating structural pavement system, in accordance with Council's Public Domain Guidelines and standards; and
- (c) all trees supplied would be grown in accordance with AS 2303:2018 (Tree Stock for Landscape Use).

B31. Any variations or alternatives to the requirements of condition B30 above can be undertaken in consultation and approval from Council.

Site Contamination

B32. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

Site Levels

B33. Prior to the commencement of construction, plans must be provided to the certifier demonstrating that:

- (a) to the northeast and eastern boundaries, the school site levels are coordinated and consistent with the future eastern road design finished surface levels (as available at that time); and
- (b) to the southern boundary facing Burroway Road, all works including ramps and entries are to be flush with the existing public domain levels, unless otherwise agreed with Council in relation to a future public domain level.

Fire Safety and Registration of a Section 88B Instrument for Access

B34. Prior to the commencement of construction of any building (excluding fencing, drainage, remediation, footings, ground floor slab, retaining walls, bulk earth works or jump form for the lift shaft), an accredited fire engineer and BCA consultant must certify a performance solution for fire protection, access and egress requirements for the development and evidence must be provided to the satisfaction of the Planning Secretary detailing:

- (a) any performance solution adopted, including any required wording for any associated Section 88B Instrument (if required under condition B35) has been developed in consultation with Fire and Rescue NSW and is compliant with Section C, D and E of the BCA; and
- (b) discharge exit points for occupants to evacuate the site, access for fire brigade intervention/access to pump room and external hydrants, and building separation from fire source features.

Note: Any consultation with NSW Fire Brigade must also have regard to the NSW's Fire Brigade's Fire Safety Guideline Access for Fire Brigade Vehicles and Firefighters (2019)

B35. Prior to the commencement of construction of any building (excluding fencing, drainage, remediation, footings, ground floor slab, retaining walls, bulk earth works or jump form for the lift shaft), a Section 88B Instrument (under the *Conveyancing Act 1919*) must be prepared in terms to the satisfaction of the Planning Secretary and registered on the title of Lot 2 DP 1276305 (9 Burroway Road). The Section 88B Instrument must:

- (a) provide for an appropriate restriction on the use of the land (along the length of 7 Burroway Road's eastern site boundary) for uninterrupted fire safety, access and egress purposes;
- (b) name the Planning Secretary (or other party as directed by the Planning Secretary) as the prescribed authority
- (a) include provision that the Section 88B instrument can only be revoked, varied or modified with the consent of the named prescribed authority;
- (b) include provision for uninterrupted fire safety, access and egress with consideration to any future construction and development within 9 Burroway Road;
- (c) be appropriately sized to facilitate fire brigade intervention and ensure unhindered access and egress at all times that the school is operational; and
- (d) meet any reasonable requirements of Fire and Rescue NSW as specified during consultation undertaken in accordance with Condition B34.

B36. The Section 88B Instrument required by Condition B35 may include:

- (a) provisions for extinguishment of the interest created by way of registration of the Section 88B Instrument required under condition B35 in circumstances where the future eastern road is dedicated as a public road and can be operationally used by the school for fire safety, access and egress purposes having regard to Sections C, D and E of the BCA.

B37. Registration of a Section 88B Instrument as detailed in conditions B35 and B36 is not required where evidence is submitted to the Planning Secretary's satisfaction in accordance with condition B34, confirming that a performance solution has been certified:

- (a) that does not rely on or require access over any adjoining land, other than land currently dedicated as a public road; and
- (b) the performance solution is consistent with any requirements of Fire and Rescue NSW as specified during consultation undertaken in accordance with condition B34.

PART C DURING CONSTRUCTION

Site Notice

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

Operation of Plant and Equipment

- 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.

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 5dB, 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 and C4 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) for the delivery, set-up and removal of construction cranes, where notice of the crane-related works is provided to the Planning Secretary and affected residents at least seven days prior to the works; or
- (e) where a variation is approved in advance in writing by the Planning Secretary or her nominee if appropriate justification is provided for the works.

- C6. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- C7. 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

- C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- C9. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, or the adjoining site (subject to landowner approval) 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

- C10. 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

- C11. 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

- C12. 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.
- C13. 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.
- C14. 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

- C15. 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).
- C16. 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 C15.
- C17. The limits in conditions C15 and C16 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

- C18. 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 must be protected at all times during construction in accordance with AS 4970:2009 (Protection of Trees on Development Sites) and under the supervision of a qualified arborist. Any street tree, which is damaged or removed during construction due to an emergency, or as otherwise approved by Council, must be replaced, to the satisfaction of Council; and
- (c) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

- C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C20. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Imported Fill

- C21. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
 - (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

- C22. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

- C23. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Stormwater Management System

- C24. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the Amendment report.
 - (c) be in accordance with applicable Australian Standards; and
 - (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;

Aboriginal Cultural Heritage

- C25. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by Comber Consultants and dated 27 August 2021.

Waste Storage and Processing

- C26. All waste generated during construction must be secured and maintained within designated waste storage areas or the adjoining site (subject to landowner approval) at all times and must not leave the site onto neighbouring public or private properties.
- C27. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C28. 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.
- C29. 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.
- C30. 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

- C31. 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.

Site Contamination

- C32. The Applicant must conduct site investigations to confirm the full nature and extent of the contamination at the project area and comply with the following requirements:
- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
 - (b) the reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
 - (c) the recommendations of the Remedial Action Plan Addendum, dated 1 March 2022 and prepared by Geosyntec.
- C33. Remediation of the site must be carried out in accordance with Remedial Action Plan Addendum, dated 1 March 2022 and prepared by Geosyntec (and any variations to the approved by an NSW EPA-accredited Site Auditor as required by condition B32.
- C34. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C35. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Independent Environmental Audit

- C36. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C37. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C38. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval

Requirements, upon giving at least 4 week's notice (or timing) to the Applicant of the date upon which the audit must be commenced.

- C39. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C36 of this consent, or condition C38 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 of submission to the Planning Secretary, unless otherwise agree by the Planning Secretary.
- C40. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C41. 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.

Operational Readiness Work

- C42. Operational readiness work must not commence on site until the following details have been submitted to the Certifier:
- (a) a plan and description of the area(s) of the site to be used for operational readiness work (including pedestrian access) and areas still under construction (including construction access);
 - (b) the maximum number of staff to be involved in operational readiness work on site at any one time;
 - (c) arrangements to ensure the safety of school staff on the site, including how:
 - (i) areas to be used for operational readiness work will be clearly and securely separated from the areas of the site still under construction;
 - (ii) pedestrian access to and within the site will be managed to ensure no conflict with construction vehicle movements; and
 - (d) access and parking arrangements to minimise impacts on the surrounding street network having regard to number of staff involved in operational readiness work on site at any one time and parking arrangements for construction workers on site.
- C43. Operational readiness work must only be undertaken in accordance with the details submitted under condition C42 and the following requirements:
- (a) no more than 15 staff are involved in operational readiness work;
 - (b) no students or parents are permitted; and
 - (c) the Applicant has implemented appropriate arrangements to ensure the safety of school staff.

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 to the Planning Secretary a copy of the documentation given to the Certifier within seven days after the Certifier accepts it.

Works as Executed Plans

- D4. Prior to the commencement of operation, works-as-executed plans signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Warm Water Systems and Cooling Systems

- D5. 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

- D6. 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), AS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and *National Light Pollution Guidelines for Wildlife* (Australian Government, 2020); 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.

Mechanical Ventilation

- D7. 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

- D8. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B23 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended project noise trigger levels identified in the Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young.

Fire Safety Certification

- D9. 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

- D10. 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 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 Planning Secretary 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

- D11. 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 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.

Post-construction Dilapidation Report – Protection of Public Infrastructure

- D12. Prior to the commencement of operation, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition B5 of this consent;
 - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
 - (c) be submitted to the Certifier;
 - (d) be forwarded to Council for information; and
 - (e) be provided to the Planning Secretary when requested.

Repair of Public Infrastructure

- D13. Unless the Applicant and the relevant public 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 construction works; and/or
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
 - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

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

Road Damage

- D14. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Post-Construction Survey – Adjoining Properties

- D15. Where a pre-construction survey has been undertaken in accordance with condition B7, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:

- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition B7;
- (b) be provided to the owner of the relevant buildings surveyed;
- (c) be provided to the Certifier; and
- (d) be provided to the Planning Secretary when requested.

D16. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Road and Public Domain Works

D17. Prior to the commencement of operation or other timeframe agreed in writing by the Planning Secretary, the Applicant must complete the upgrading and construction of roads, street trees, footpaths and associated infrastructure as approved by condition B25 to B30, to the satisfaction of the relevant roads authority and Council.

Road Safety Audit

D18. Prior to the commencement of operation, an independent Road Safety Audit must be conducted on the school drop-off/pick-up facilities, Burroway Road roundabout, raised pedestrian crossings and pedestrian accesses to the school. The RSA must be undertaken in accordance with *Austroads Guide to Road Safety Part 6: Managing Road Safety Audits* and *Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits*.

D19. The results of the Road Safety Audit and the relevant recommendations, including any measures to improve road safety must be submitted to the Certifier for information within one month of undertaking the audit and prior to operation.

D20. Based on the recommendations of the Road Safety Audit, appropriate road safety and/or traffic management measures must be implemented, in consultation with Council and TfNSW, within three months of the Road Safety Audit and evidence submitted to the satisfaction of the Certifier.

Car Parking Arrangements

D21. Prior to the commencement of operation, evidence must be submitted to the Certifier that demonstrates that arrangements have been made and finalised with the Sydney Olympic Park authority to utilise 30 spaces at car park P5 for staff car parking and that this would be at no cost to staff.

Bicycle Parking and End-of-Trip Facilities

D22. Prior to the commencement of operation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:

- (a) the provision of a minimum 146 bicycle parking spaces;
- (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (c) the provision of end-of-trip facilities for staff; and
- (d) appropriate pedestrian and cyclist advisory signs are to be provided.

Note: All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant road authority.

School/Pedestrian Crossing Facilities

D23. Prior to commencement of operation, school/pedestrian crossings must be installed at Burroway Road east of Wentworth Place and Footbridge Boulevard east of Wentworth place, in accordance with the relevant design standards and warrants to the satisfaction of the relevant road authority.

School Zones

D24. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings must be installed, inspected by TfNSW and handed over to TfNSW.

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

D25. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

School Transport Plan

D26. Prior to the commencement of operation, a School Transport Plan, must be submitted to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified consultant in consultation with Council, Sydney Olympic Park Authority and TfNSW (addressing detailed TfNSW comments dated 23 November 2021) ;
- (b) include arrangements to promote the use of active and sustainable transport modes, including:
 - (i) objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation);
 - (ii) specific tools and actions to help achieve the objectives and mode share targets;
 - (iii) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
- (c) include operational transport access management arrangements, including:
 - (i) 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;
 - (ii) the location of all car parking spaces and subsidised use of car park P5 and their allocation and access arrangements (i.e. staff, visitor, accessible, emergency, shuttle/public bus services to car park P5 etc);
 - (iii) the location and operational management procedures of the drop-off/pick-up parking, including staff management/traffic controller arrangements;
 - (iv) the location and operational management procedures for the drop-off/pick-up of students by buses and coaches (in consultation Sydney Olympic Park Authority and/or relevant landowners) including staff management/traffic controller arrangements to ensure that such operation do not impact the road network;
 - (v) delivery and services vehicle and bus access and management arrangements;
 - (vi) management of approved access arrangements;
 - (vii) details of on-site management of the operation of the drop-off/pick-up facilities;
 - (viii) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off/pick-up facilities;
 - (ix) car parking arrangements and management for car park P5 and how its use would be promoted through mechanisms such as the provision of a dedicated shuttle bus between the school and the car park; and
 - (x) details for a staff car parking booking system (or similar) to ensure that there is no shortfall in the allocation of 30 staff car parking spaces at car park P5.
- (d) 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 plan; and
- (e) a monitoring and review program.

- (i) mode share surveys (undertaken at a suitable time to reflect typical school operations) to determine the level of achievement of travel mode share targets;
- (ii) review of the adequacy of school bus services to cater for school demand and consult with TfNSW to increase bus services if required to meet demand; and
- (iii) identification of measures to be implemented where mode share targets are not met and/or where demand exceeds the capacity of bus services.

Utilities and Services

D27. 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*.

Stormwater Operation and Maintenance Plan

D28. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

Signage

D29. Prior to the commencement of operation, pedestrian way-finding signage must be installed.

D30. 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

D31. 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) specify that waste collection only to occur between 5am to 7am on weekdays;
- (c) specify that bins must only be placed on the kerb in front of the school on evening prior to collection and not before 4pm;
- (d) specify that bins must be returned to the waste storage area before 8am following waste being collected;
- (e) specify that the footpath must be kept clean and tidy by the Applicant from any waste debris;
- (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (g) detail the materials to be reused or recycled, either on or off site;
- (h) include the Management and Mitigation Measures included in Section 8 of the Amendment Report and the Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young; and
- (i) specify that within three months of the future eastern road being dedicated and available for school operational use, the collection of waste from Burroway Road must cease and move to the site service access point at future eastern road near the waste storage area.

Site Contamination

D32. Prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site

Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary, Council and the Certifier.

Landscaping

- D33. Prior to the commencement of operation, ground and roof level landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2(d).
- D34. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site and submit it to the Certifier. The plan 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 at Section 8 of the Amendment Report.

Public Domain and Landscape Maintenance Schedule

- D35. Prior to the commencement of operation, a public domain and landscape schedule must be prepared by an appropriately qualified landscape architect and submitted to the Certifier and Council specifying that:
- (a) a minimum 52 week maintenance period (from the commencement of operation) is carried out by the Applicant for all works constructed in the public domain; and
 - (b) a minimum 52 week plant establishment period following handover of paving/footpath to Council is carried out by the Applicant and after which period, maintenance of plants in the public domain would be undertaken by Council.

Operational Flood Emergency Management Plan

- D36. Prior the commencement of the operation, a Flood Emergency Management Plan must be submitted to the Certifier that:
- (a) has been prepared by a suitably qualified and experienced person(s);
 - (b) has been prepared in consultation with NSW SES noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;
 - (c) incorporates and complies with all advice provided by NSW SES to the Amendment Report RtS, dated 31 August 2022, unless otherwise revised by SES as part of consultation undertaken at Condition D36(b);
 - (d) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);
 - (e) incorporates the following:
 - (i) the flood emergency management protocols for operational phase of the development;
 - (ii) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students, visitors and caregivers;
 - (iii) details strategies such as early or pre-emptive school closure to avoid shelter-in-place (unless otherwise agreed with NSW SES), evacuation, and refuge protocols where relevant;
 - (iv) provides clear emergency management triggers and responses;
 - (v) details of flood warning time and flood notification;
 - (vi) details assembly points and flood free routes where required;
 - (vii) identifies clear roles and responsibilities for emergency flood management within the school;
 - (viii) recognise that the NSW SES is the lead combat agency for floods and state that any flood response directive issued by the SES must be followed;
 - (ix) the identification of access roads within the wider catchment, relevant to staff and caregivers, that will not be flood affected under certain flood events (not limited to PMF events);

- (x) provide clear messaging and communication protocols;
 - (xi) includes clear requirements that the Plan be regularly reviewed; and
- (f) include details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members.

D37. A copy of the Flood Emergency Management Plan (required by condition D36) must be provided to the Planning Secretary within two working days of a request being made for a copy of the document.

Open Play Space

D38. Prior to the commencement of operation, an Open Play Space Management Plan must be submitted to the Planning Secretary that includes measures to manage the use and access to recreation areas on site so that once student numbers exceed 510, mechanisms are available to provide greater than six square metres of space per student. This may include, but is not limited to, staggered play times for years and age groups with details of the programme of use.

D39. If within two years of commencement of operation, the future northern playing field has not been completed and a joint use agreement has not been entered into between the school and relevant owner, the Open Play Space Management Plan required by condition D38 must be updated to include management and mitigation measures developed in consultation with Council and Sydney Olympic Park Authority to include interim alternate open play space provisions to ensure each student has access to 10 square metres of open play space.

D40. If the location of the approved Ridge Road is altered or deleted by Council through an alternate planning pathway and the embankment and base material within the site is able to be removed, the area may be landscaped and any exclusion fencing within the site removed to allow it to be used as open space in association with the school development.

D41. Unless otherwise agreed with Council, a second row of trees, (species to be agreed with Council) should be planted in the front setback of that area described in D40, in a staggered fashion with the trees along the street with distances and pot size to match the street trees. Structural cell systems may be required for these trees if they are set in paving

Fire Safety and Access

D42. Prior to the occupation of any building (either in relation to occupation under conditions C42 or condition C43 for early staff or school opening), evidence must be submitted to the satisfaction of the Planning Secretary that the performance solution certified by the accredited fire engineer and BCA consultant for fire protection, access and egress requirements for the development has been satisfied.

PART E POST OCCUPATION

Out of Hours Event Management Plan

- E1. Prior to the commencement of the first out of hours events (School Use) run by the school that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) in consultation with Council and submit it to the Council and Planning Secretary for information. 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) 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 school hall and sport courts, where applicable, restricting use before 8am and after 10pm, as well as ensuring that attendees of events have left the school site before 10pm;
 - (f) measures to minimise localised traffic and parking impacts; and
 - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan to ensure compliance with *Noise Policy for Industry* (2017).
- E2. The Out of Hours Event Management Plan (School Use) must be implemented by the Applicant for the duration of the identified events or use.

Operation of Plant and Equipment

- E3. 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

- E4. 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

- E5. The Community Communication Strategy, as to the Certifier, must be implemented for a minimum of 12 months following the completion of construction.

Environmental Management Plan

- E6. Upon completion of remediation works, the Applicant must manage the site in accordance with the Environmental Management Plan approved by the Site Auditor (if any) under condition D32 any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

Operational Noise Limits

- E7. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young.
- E8. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* (2017) where valid data is collected following the commencement of use. 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 operation to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young. 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

- E9. 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.

Ecologically Sustainable Development

- E10. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B10, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- E11. Notwithstanding condition D6, 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.

Signage

- E12. All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development.

Car Parking Performance Review

- E13. Within 12 months from the commencement of operation, a staff car parking performance review guided by on-site observations, consultation with Sydney Olympic Park Authority and interviews with school staff must be undertaken.
- E14. Where the review undertaken in condition E13 identifies that staff car parking demand is shown to exceed the capacity provided or it has been identified that car park P5's location forces use of the neighbouring commercial car parks and street network, management and mitigation measures must be recommended and implemented. These may include but not limited to, consulting neighbouring commercial car park operators to secure additional car park spaces and obtaining the necessary planning approval for use of those car parks (if required). Evidence of any implemented mitigation measures must be submitted to the satisfaction of the Planning Secretary and a copy provided to Council for information.

Implementation of Various Operational Management Plans

- E15. The following operational management plans (and any updates to those plans), must be implemented and adhered to at all times by the Applicant following occupation and for the duration of the occupation of the development:
- (a) School Transport Plan (condition D26). In addition, the School Transport Plan must be updated annually unless otherwise agreed by the Planning Secretary having regards to evidence as to why an annual review and update is no longer required;
 - (b) Stormwater Operational and Maintenance Management Plan (condition D28);
 - (c) Operational Waste Management Plan (condition D31);
 - (d) Operational Landscape Management Plan (condition D34);
 - (e) Operational Flood Emergency Management Plan (condition D36); and
 - (f) Open Play Space Management Plan as required by condition D38 and as amended by D39 and D40 (if applicable).

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

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

Legal Notices

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

Access for People with Disabilities

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

Utilities and Services

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

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

Road Design and Traffic Facilities

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

Road Occupancy Licence

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

Oversize Vehicles

AN9. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The Applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta local government area.

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 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 through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A26 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.