

# Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the Environmental Planning and Assessment Act 1979, approves 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.

(Name of Commissioner)

Member of the Commission

Sydney

(Name of Commissioner)

Member of the Commission

2021

(Name of Commissioner)

Member of the Commission

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### SCHEDULE 1

**Application Number:**

SSD-10371

**Applicant:**

The Council of Trinity Grammar School

**Consent Authority:**

Independent Planning Commission

**Site:**

119 Prospect Road and 50-52 Seaview Street, Summer Hill  
(Lot 11 DP 1171965, Lot 5 DP 15765 and Lot 6 DP 15765)

**Development:**

Alterations and additions to Trinity Grammar School in six construction stages and changes to staff and student numbers comprising:

- demolition of existing buildings including New School building, dwelling houses at 119 Prospect Road and 50 and 52 Seaview Street and part demolition of Music Building and Assembly Hall;
- construction of a:
  - new five-storey building with a basement as the Teaching Learning and Library building;
  - new three storey building as Multi-purpose pavilion; and
  - new three storey Maintenance Building on Seaview Street;
- alterations and additions to existing buildings to create a five-storey Performing Arts Building;
- refurbishment of the Music Building, New Founders Building, the Assembly Hall and North Quad Building;
- extension and reconfiguration of the Jubilee carpark and the staff carpark to increase the car parking spaces to 324 and with a new underground connection;
- associated landscaping, removal of 29 trees, road and public domain works, ancillary signage;
- regularisation of the current student numbers at 1655 from 1500 and full time equivalent (FTE) staff at 277; and
- increase in student numbers from 1655 to 2100 and increase in FTE staff from 277 to 321.

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	The Council of Trinity Grammar School or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>Archaeological Salvage</b>	The collection and removal of archaeological data and materials from site
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means Council or an accredited certifier
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical works to enable operation, including but not limited to the 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"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• salvage works (if any) in accordance with strategies / management plans approved by this consent;</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p>
<b>Council</b>	Inner West Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site

<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, Supplementary Response to Submissions, including the works and activities comprising demolition, construction and landscaping, as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EESG</b>	Environment, Energy and Science Group of Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement The Renewal Project – Trinity Grammar School SSD-10371, prepared by Willowtree Planning dated April 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>FTE</b>	Full time equivalent
<b>GTP</b>	Green Travel Plan
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	A place, building, work, relic, archaeological site, tree, moveable object or precinct of heritage significance, that is listed under one or more of the following registers: the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: “material harm” is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements
<b>Jubilee car park</b>	As identified in the EIS.
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section J of the EIS and Part F of the Response to Submissions.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the</li> </ul>

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)

<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Multi-purpose pavilion</b>	As identified in the EIS.
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEMP</b>	Operational Environmental Management Plan
<b>OMP</b>	Operational Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>POEO</b>	Protection of the Environment Operations Act 1997
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions (RTS)</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act in the document titled <i>Response to Submissions – SSDA 10371 Trinity Grammar School – The Renewal Project</i> prepared by Willowtree Planning dated November 2020.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Summer Hill campus</b>	The land defined in Schedule 1.
<b>Supplementary Response to Submissions (SRTS)</b>	The Applicant's supplementary response to submissions in the document titled <i>Response to Additional Information Request</i> prepared by Willowtree Planning dated 21 January 2021 and information provided on 19 February 2021 and 25 February 2021.
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

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

**Obligation to Minimise Harm to the Environment**

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

**Terms of Consent**

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

<b>Architectural Plans prepared by PDML Architecture</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA003	B	Site Masterplan	15/1/21
DA100	A	Site Demolition Plan B2	3/2/20
DA101	A	Site Demolition Plan B1	3/2/20
DA102	A	Site Demolition Plan L0 + above	3/2/20
DA110	A	Proposed Site Plan B2	3/2/20
DA111	B	Proposed Site Plan B1	15/1/21
DA112	C	Proposed Site Plan L0	15/1/21
DA113	B	Proposed Site Roof Plan	15/1/21
DA120	A	Proposed T&L Precinct Plan B1	3/2/20
DA121	A	Proposed T&L Precinct Plan L0	3/2/20
DA122	A	Proposed T&L Precinct Plan L1	3/2/20
DA123	A	Proposed T&L Precinct Plan L2	3/2/20
DA124	A	Proposed T&L Precinct Plan L3	3/2/20
DA125	A	Proposed T&L Precinct Plan L4	3/2/20
DA126	B	Proposed T&L Precinct Plan Roof Plan	11/1/21
DA130	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B2	3/2/20
DA131	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B1	3/2/20
DA132	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L0	3/2/20
DA133	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L1	3/2/20
DA134	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L2	3/2/20
DA135	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L3	3/2/20
DA140	C	Proposed Maintenance Plan B1	24/2/21

DA141	C	Proposed Maintenance Plan L0	24/2/21
DA142	C	Proposed Maintenance Plan L1	19/2/21
DA143	B	Proposed Maintenance Roof Plan	15/1/21
DA200	D	Streel Elevations 01,02	18/2/21
DA201	B	Streel Elevations 03,04	15/1/21
DA300	B	Site Sections AA, BB, GG	15/1/21
DA301	B	Site Sections CC, DD	15/1/21
DA302	B	Site Sections EE, FF	15/1/21
DA306	A	Building Elevations	28/8/20
DA307	A	Building Elevations	28/8/20
DA308	C	Building Elevations - Seaview Maintenance	24/2/21
DA309	B	Building Sections - Seaview Maintenance	24/2/21
DA501	A	Signage Location Plan	28/8/20
DA502	A	Signage Blade Wall	28/8/20
DA503	A	Lift Tower Signage	28/8/20
DA504	A	Scoreboard Signage	28/8/20
DA505	A	Prospect Road Signage	28/8/20
DA506	A	Centenary Centre Signage	28/8/20
DA507	A	Seaview Maintenance Signage	28/8/20
DA600	A	Material's Board Western Facade	28/8/20
DA601	A	Material's Board Southern Facade	28/8/20
DA602	A	Material's Board Eastern Facade	28/8/20
DA604	C	Material's Board Seaview Maintenance	24/2/21
<b>Landscape Plans prepared by Arcadia Landscape Architecture</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
000	C	Coversheet	Oct 2020
100	C	Landscape Masterplan	Oct 2020
200	C	Landscape Plan	Oct 2020
201	C	Landscape Plan	Oct 2020
202	C	Landscape Plan	Oct 2020
203	C	Landscape Plan	Oct 2020
204	C	Landscape Plan	Oct 2020
205	C	Landscape Plan	Oct 2020
206	C	Landscape Plan	Oct 2020
207	C	Landscape Plan	Oct 2020
601	C	Landscape Details and Specification	Oct 2020

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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;
  - 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(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions A2(c) and A2(d), 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. This development consent does not permit an increase in student and full time equivalent (FTE) staff numbers in attendance at any one time at Trinity Grammar School - Summer Hill campus (the site as identified in **Schedule 1**) until evidence of the following being provided to the satisfaction of the Planning Secretary:

- (a) the Jubilee carpark and drop-off / pick-up facilities have been completed and all relevant approvals obtained in accordance with the plans approved by condition A2 and the conditions of this development consent.

A7. Notwithstanding condition A6, a maximum of 2100 students and 321 FTE staff in attendance at any one time within the Trinity Grammar School, Summer Hills campus (the site as identified in **Schedule 1**) subject to evidence of the following being provided to the satisfaction of the Planning Secretary:

- (a) all required external roadworks and public domain works detailed in the approved Supplementary Traffic Impact Assessment being undertaken to the satisfaction of the appropriate roads authority as per conditions B12, E11 and E12.

#### **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 as part of the submission of relevant documentation 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. Where compliance with conditions (excluding conditions A7 and B12) is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

- A12. A Staging Report prepared in accordance with condition A11 must:
- (a) be generally consistent with the staging plans submitted with the “Preliminary Construction Management Plan” submitted with the EIS;
  - (b) include staging of student numbers as per the submitted RtS.
  - (c) 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;
  - (d) set out how the operation of the whole of the project will be managed staged, including details of work and other activities to be carried out in each stage and the general timing of when decanting for each stage will commence and finish (if relevant);
  - (e) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (f) 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 or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

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

- 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 and any additional requirements of the Subsidence Advisory



NSW where the building or structure is located on land within a declared Mine Subsidence District.

**Notes:**

- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District*

**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 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 a compliance report under condition A34;
- (b) the submission of an incident report under condition A26;
- (c) the submission of an Independent Audit under condition D35;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

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.*

### **Compliance Reporting**

A33. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).

A34. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.

- A35. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A36. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

**Temporary Building installation**

- A37. The temporary building identified in the Preliminary Construction Management Plan (to be constructed in Stage 3 in the location of the Maintenance Building) is not approved as part of this application. A separate development application / complying development application and relevant approvals must be obtained prior to installation of this identified temporary building.

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## PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### Design Amendments

- B1. Prior to the issue of any relevant construction certificate, the Applicant must provide updated plans to the satisfaction of the Certifier and to the Planning Secretary for information, incorporating the following:
- (a) 40 student bicycle spaces within the site, in close proximity to the main entry on Victoria Street;
  - (b) 40 student bicycle spaces within the site in close proximity to the entry on Prospect Road; and
  - (c) 16 staff bicycle spaces within the site in close proximity to the end of trip facilities for the staff.

### Bicycle Parking and End-of-trip facilities

- B2. Prior to the issue of any relevant construction certificate for bicycle parking facilities, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- (a) the provision of 96 bicycle parking spaces in accordance with the requirements of condition B1;
  - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of *AS 2890.3:2015 Parking facilities - Bicycle parking*;
  - (c) the provision of end-of-trip facilities for staff; and
  - (d) provision of appropriate pedestrian and cyclist advisory signs.

### External Walls and Cladding

- B3. Prior to the issue of any construction certificate, 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.

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

- B4. Prior to the issue of any relevant construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020.

### Operational Waste Storage and Processing

- B5. Prior to the issue of any relevant construction certificate for the operational 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, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

### Car Parking and Service Vehicle Layout

- B6. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;

- (b) a minimum of 324 on-site car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
- (c) the swept path of the longest vehicle entering and exiting the site in association with all proposed works under this development consent, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2.

### **Stormwater Management System**

- B7. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS; and
  - (c) be in accordance with applicable Australian Standards and Councils requirements.

### **Landscaping**

- B8. Prior to the issue of any relevant construction certificate, the Applicant must prepare updated Landscape Plans to manage the revegetation and landscaping works on-site, to the satisfaction of the Certifier. The plans must:
- (a) be generally consistent with the landscape plans approved in condition A2, unless updated by the conditions of this consent;
  - (b) provide for the planting of 67 additional trees consistent with the commitments in the EIS;
  - (c) detail the location, species, maturity and height at maturity of plants to be planted on-site;
  - (d) include details of species (trees, shrubs and groundcovers);
  - (e) demonstrate that the trees within the 100L containers would have a minimum height at maturity of 12m; and
  - (f) include the provision of evergreen plantings along the front / Seaview Street boundary of the Maintenance building that will reach a mature height of at least 5m.

### **Carpark Exhaust**

- B9. Prior the issue of any relevant construction certificate for the basement carpark, the Applicant must prepare plans and details to the satisfaction of the Planning Secretary demonstrating that the carpark exhaust stack is appropriately located and designed to ensure no adverse impacts, including visual impacts or unacceptable emissions to the public domain or nearby residences.

### **Public Domain Works**

- B10. Prior to the issue of any relevant construction certificate for footpath or public domain works, 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 documentation of approval for each stage from Council to the Certifier.

*Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.*

### **Roadworks and Access**

- B11. Prior to the issue of any relevant construction certificate for roadworks and access (if any), the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a largest service vehicle.

*Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.*

### **Roadworks and Pedestrian Access Improvements**

- B12. Prior to the issue of any relevant construction certificate for external roadworks and pedestrian

infrastructure, the Applicant must submit the design plans for the following works, in consultation and to the satisfaction of the relevant roads authority (Council or Transport for NSW) including (but not limited to):

- (a) details of a raised pedestrian crossing on Prospect Road, including corresponding kerb extensions and details of the extent of 'No Stopping' restrictions according to TfNSW crossing design directorate;
- (b) provision of all necessary regulatory and warning signs and markings in association with the upgrade of the crossing required in condition B12(a);
- (c) the realignment of the intersection of Prospect Road and Old Canterbury Road with a dedicated left turn lane and inclusion of a splitter island refuge compliant with the TfNSW refuge design directorate (minimum 2m wide X minimum 3m long); and
- (d) the upgrade of the footpath along the Victoria Street frontage of the site

The Applicant must provide a copy of the documents approved by the relevant roads authority to the Certifier and the Planning Secretary for information.

**Note:** Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

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## PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- C1. 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.
- C2. 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

- C3. Prior to the commencement of any relevant construction stage, 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.

### Pre-Construction Dilapidation Report

- C4. Prior to the commencement of any relevant construction stage, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of all adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works.

### Protection of Public Infrastructure

- C5. Prior to commencement of any relevant construction stage, the Applicant must:
  - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

### Community Consultative Committee

- C6. Prior to the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects (2016)*. The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.

#### Notes:

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

### Community Communication Strategy

- C7. No later than two weeks before the commencement of any construction stage, a Community Communication Strategy must be submitted to the Planning Secretary for approval and approved by the Planning Secretary prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. 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 relevant stakeholders 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 specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination and heritage.

### **Demolition**

- C8. Prior to the commencement of demolition, a demolition work plan required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier.

### **Ecologically Sustainable Development**

- C9. Prior to the commencement of any relevant construction stage, 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**

- C10. Prior to commencement of any relevant construction stage, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting in relation to that stage has been designed to comply with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Environmental Management Plan Requirements**

- C11. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

*Note: The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>*

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

### **Construction Environmental Management Plan**

- C12. Prior to the commencement of any relevant construction stage, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of Certifier and provide a copy to the Planning Secretary. The CEMP must be consistent with the Preliminary Construction Management Plan submitted with the EIS and include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge;
    - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;



- (vi) groundwater management plan including measures to prevent groundwater contamination;
  - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (viii) community consultation and complaints handling;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (condition C14);
  - (c) Construction Noise and Vibration Management Sub-Plan (condition C15);
  - (d) Construction Soil and Water Management Sub-Plan (condition C16);
  - (e) an unexpected finds protocol for contamination and associated communications procedure;
  - (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- C13. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C14. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (d) incorporate the measures outlined in the Construction Traffic Management Plan framework submitted with the EIS;
  - (e) incorporate measures to minimise conflicts between the construction vehicles and ongoing operations on the school including student safety during construction periods, details of student and staff access within the site;
  - (f) details of alternate parking arrangements (if needed) for the staff and driving age students, during ongoing construction works within the basement (where relevant);
  - (g) details of on-site parking for construction vehicles and work zones on the surrounding streets, where needed and in consultation with Council; and
  - (h) detail heavy vehicle routes, access and parking arrangements for heavy construction vehicles.
- C15. 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) incorporate the acoustic mitigation measures recommended in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020, and where appropriate incorporate the provision of hoardings to minimise impacts;
  - (d) incorporate the vibration management strategies, including ensuring safe working distances for vibration intensive plant outlined in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020;
  - (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;

- (f) include strategies that have been developed with the community for managing high noise generating works;
  - (g) describe the community consultation undertaken to develop the strategies in condition C15(f);
  - (h) describe the methods of managing noise within the site when construction works are ongoing with school operations to ensure appropriate acoustic amenity of the students and staff of the school;
  - (i) describe the scheduling of high noise generating works within the site to ensure acoustic amenity of the students (such as scheduling construction works outside of the exam times);
  - (j) include a complaints management system that would be implemented for the duration of the construction; and
  - (k) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C15(d).
- C16. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the site);
  - (d) detail all off-site flows from the site; and
  - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI.
- C17. 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.

#### **Unexpected Contamination Procedure**

- C18. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

#### **Soil and Water**

- C19. Prior to the commencement of any relevant construction stage, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

#### **Construction Worker Transportation Strategy**

- C20. Prior to the commencement of any relevant construction stage, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential

streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

**Historic Heritage**

C21. No item of heritage significance within the site must be damaged or altered during construction works, unless permitted by this development consent.

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## PART D DURING CONSTRUCTION

### Site Notice

- D1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C8.

### Construction Hours

- D4. 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;
  - (b) between 8am and 1pm, Saturdays; and
  - (c) no work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D6. Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. 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

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

### **Construction Traffic**

- D9. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping. The site personnel vehicles are to be managed in accordance with the Construction Worker Transportation Strategy.

### **Hoarding Requirements**

- D10. 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**

- D11. 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**

- D12. 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 CNVMSP.
- D13. 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 D4.
- D14. 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**

- D15. 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).
- D16. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D15.
- D17. The limits in conditions D15 and D16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C12 of this consent.

### **Tree Protection**

- D18. 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 Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;

- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment* prepared by Australis and dated 14 October 2020; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

### **Air Quality**

D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D20. During construction, the Applicant must ensure that:

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

### **Erosion and Sediment Control**

D21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

### **Imported Soil**

D22. The Applicant must:

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

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

D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

### **Emergency Management**

D24. 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.

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

D25. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works must only recommence with the written approval of EES Group.

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

- D26. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

### **Consultation with RAPs**

- D27. The Applicant must consult with the relevant Registered Aboriginal Parties (RAPs) throughout the construction phase with ongoing communication about the project and key milestones and ensure that the consultation process does not lapse, particularly with regard to consultation should the Unexpected Finds Protocol be enacted.

### **Waste Storage and Processing**

- D28. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D29. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D30. 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.
- D31. 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.
- D32. 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**

- D33. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Independent Environmental Audit**

- D34. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D35. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D36. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D37. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the applicant of the date or timing upon which the audit must be commenced.
- D38. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D35 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.

- D39. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- D40. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), 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.

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## **PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- E1. At least one month before the issue of the occupation certificate of any relevant construction stage, 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**

- E2. Prior to the issue of the occupation certificate of any relevant construction stage, 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.
- E3. The Applicant must provide a copy of the documentation given to the Certifier and to the Planning Secretary within seven days after the Certifier accepts it.

### **Post-construction Dilapidation Report**

- E4. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) to be forwarded to Council for information.

### **Protection of Public Infrastructure**

- E5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by E12 of this consent.*

### **Protection of Property**

- E6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### **Utilities and Services**

- E7. Prior to issue of the occupation certificate of any relevant construction stage, 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*.

### **Roadworks and Access**

- E8. Prior to the issue of the occupation certificate of any relevant construction stage where roadworks is proposed, the Applicant must provide evidence to the satisfaction of the Certifier that:

- (a) all external roadworks, footpath on Victoria Street and pedestrian infrastructure required by condition B12 have been completed; and
- (b) all necessary approvals from the public authorities have been obtained.

#### **Works as Executed Plans**

- E9. Prior to the issue of the occupation certificate of any relevant construction stage, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

#### **Development Contributions**

- E10. Prior to issue of any occupation certificate (not including demolition), a Section 7.12 levy totalling 1% of the proposed cost of carrying out the development, being \$1,405,231.63 (as indexed), is to be paid to Council in accordance with Section 7.12 of the EP&A Act and Ashfield Council S94A Development Contributions Plan. Prior to payment Council can provide the value of the indexed levy.

#### **Green Travel Plan**

- E11. Prior to any increase in student numbers from 1655 to 2100, a Green Travel Plan (GTP) must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Inner West Council and (Sydney Coordination Office) Transport for NSW;
  - (b) include objectives and mode share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include details to demonstrate how bus services would be increased and accommodated to satisfy the additional demand likely to be generated by additional students;
  - (e) include additional bicycle provisions as per Condition B1;
  - (f) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (g) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

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

- E12. Prior to the increase in student numbers or issue of the occupation certificate for the proposed carpark and / or drop-off / pick-up facilities (whichever occurs first), an OTAMP must be prepared by a suitably qualified person, in consultation with Council and TfNSW, and submitted to the satisfaction of the Planning Secretary. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
  - (b) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (c) the location and operational management procedures of the drop-off / pick-up parking located within the site, including staff management/traffic controller arrangements;
  - (d) the location and operational management procedures for the drop-off / pick-up of students by buses and coaches before and after school, for excursions and sporting activities, including staff management/traffic controller arrangements;
  - (e) delivery and service vehicle and bus access and management arrangements;

- (f) management of approved access arrangements;
- (g) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off / pick-up parking;
- (h) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (i) a monitoring and review program.

#### **Road Safety Audit**

- E13. Prior to the issue of the occupation certificate for the new basement carpark area, a Road Safety Audit (RSA) must be undertaken:
- (a) 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;
  - (b) by an independent TfNSW accredited road safety auditor;
  - (c) at the intersection of the southern exit driveway and Victoria Street for all vehicle movements associated with the use of the exit; and
  - (d) considering vehicle and pedestrian safety noting the nearby pedestrian island and any potential obstruction of sightlines from exiting vehicles by the adjacent substation.
- E14. Appropriate road safety measures and/or traffic management measures (including, if necessary relocation of the substation) must be implemented based on the outcomes of the RSA in consultation with Council and any other relevant authorities prior to the issue of the occupation certificate for the carpark.

#### **Mechanical Ventilation**

- E15. Prior to commencement of operation of any relevant construction stage, 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**

- E16. Prior to the issue of the occupation certificate of any relevant construction stage, a suitably qualified acoustic consultant must certify that the noise mitigation recommendations in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020 and as required by condition B4 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the report. The certification must confirm that:
- (a) any new equipment or extension of the existing public address system comply with a criteria of not exceeding background noise of 5dB(a); and
  - (b) the noise generated by the use of the Multi-purpose pavilion will not exceed background noise levels at affected residential receivers by more than 5 dBA.
  - (c) The certification must be submitted to the Certifier for information.

#### **Operational Noise Management Plan (ONMP)**

- E17. Prior to the issue of the occupation certification of any relevant construction stage, the Applicant must submit an ONMP to the satisfaction of the Certifier or update any existing ONMP for the school. The new or updated ONMP must include:
- (a) details to restrict the use of the new Junior School play area adjacent to Seaview Street for free play to 80 students during lunch and recess breaks; and
  - (b) measures to restrict noise emissions from the Multi-purpose pavilion during performances to ensure compliance with the operational noise criteria in condition E18

including requirements for windows to be closed during noisy activities within the Multi-purpose pavilion.

### **Car Parking, Service Vehicles and Bicycle parking Arrangements**

- E18. Prior to the issue of the occupation certificate of any relevant construction stage, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car-parking, service vehicle areas, bi-cycle parking facilities comply with condition B2 and condition B6;
  - (b) appropriate pedestrian and cyclist advisory signs have been provided;
  - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
  - (d) the location of the bicycle parking spaces comply with the provisions in condition B1 with end-of-trip facilities; and
  - (e) end-of-trip facilities for staff are provided.

### **Road Damage**

- E19. Prior to the issue of the occupation certificate of any relevant construction stage, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

### **Fire Safety Certification**

- E20. Prior to the issue of the occupation certificate of any relevant construction stage, 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**

- E21. Prior to the issue of the occupation certificate for the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Compliance with Food Code**

- E22. Prior to the issue of the occupation certificate of any relevant construction stage, 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.

### **Stormwater Quality Management Plan**

- E23. Prior to the issue of the occupation certificate of any relevant construction stage, an Operation and Maintenance Plan is to be submitted to the satisfaction of the Certifier. The plan must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

## Warm Water Systems and Cooling Systems

- E24. 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

- E25. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## Signage

- E26. Prior to the issue of the occupation certificate of any relevant construction stage, way-finding signage and signage identifying the location of staff car parking must be installed.
- E27. Prior to the issue of the occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- E28. Prior to issue of occupation certificate, the approved LED signs must:
- (a) be installed directed away from adjoining residential properties with a timed intensity and illumination adjuster;
  - (b) not operate beyond 10pm;
  - (c) not dazzle or distract drivers due to their colouring;
  - (d) not display advertising or messages which contain fully animated or video/movie style advertising or images; and
  - (e) not be used for any live television, satellite, internet or similar broadcast.
- E29. Prior to the issue of the occupation certificate for the relevant construction stage incorporating the signage, the Applicant must demonstrate to the satisfaction of the Certifier that no signage incorporates any speakers.

## Operational Waste Management Plan

- E30. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include the Management and Mitigation Measures included in EIS Appendix 33.

## Landscaping

- E31. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must provide suitable evidence to the Certifier that the landscaping of the site has been completed in accordance with landscape plan(s) approved under condition B8.

- E32. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of 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 EIS in Part J.
- E33. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

#### **Service Vehicle Management Plan**

- E34. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must prepare a Service Vehicle Management Plan for the development and submit it to the Certifier. The Service Vehicle Management Plan must:
- (a) detail the times and frequency of the service vehicles would enter and exit the site and these times should not conflict with the student drop-off/pick-up times;
  - (b) restrictions to vehicle turning movements on Victoria Street;
  - (c) size and type of service vehicles accessing the Seaview Street delivery area; and
  - (d) management measures to (such as alarms etc) to ensure that the acoustic amenity of the neighbourhood at Seaview Street is maintained.

#### **Planting on Yeo Park**

- E35. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must provide additional canopy trees along the northern boundary of Yeo Park in consult with Council, to assist with screening the visual bulk of the Multi-purpose pavilion (identified in Landscape Plan 203 (issue C) prepared by Arcadia Landscape Architecture dated Oct 2020). A copy of the consultation with the Council must be provided to the Planning Secretary prior to landscaping commencing.

## PART F POST OCCUPATION

### Out of Hours Event Management Plan

- F1. This consent does not approve any out-of-hours events apart from the existing events and uses within the site.
- F2. The use of the Multi-purpose pavilion is only allowed between 7am – 6pm, as per the recommendations of *Noise and Impact Assessment* prepared by SLR dated 4 February 2020.

### Operation of Plant and Equipment

- F3. 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

- F4. 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

- F5. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

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

- F6. The OTAMP approved under condition E12 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### Operational Noise Limits and Noise Management

- F7. The Applicant must ensure that noise generated by operation of the School does not exceed the Site-specific noise criteria as established in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020.
- F8. The Applicant must ensure that noise from the activities within the site due to the facilities approved by this development consent, are managed in accordance with the ONMP required by this development consent.
- F9. The Applicant must ensure that the noise from the Public Address System and the School Bell would not exceed background noise levels at affected residential receivers by more than 5 dBA.
- F10. The Applicant must ensure that the noise from the use of the Multi-purpose pavilion not exceed background noise levels at affected residential receivers by more than 5 dBA.
- F11. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement of operation the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020 and the criteria in condition E17.
- F12. Should the noise monitoring program in condition F11 identify any exceedance of the recommended noise levels, the Applicant must 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

- F13. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### **Green Travel Plan**

- F14. The Green Travel Plan required by condition E11 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

- F15. 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 C9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

- F16. Notwithstanding condition E25, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### **Landscaping**

- F17. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E32 for the duration of occupation of the development.

### **Student numbers**

- F18. The Applicant must maintain a student attendance register for the period of 4 years after 2100 students has been reached. The student attendance register must be submitted every 2 years to the Certifier and the Planning Secretary demonstrating that the development does not exceed the 2100 students on Trinity Grammar School - Summer Hill campus site on any given day.



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

#### **Long Service Levy**

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

#### **Legal Notices**

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

#### **Access for People with Disabilities**

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

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

#### **Utilities and Services**

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

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

#### **Road Design and Traffic Facilities**

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

#### **Road Occupancy Licence**

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

#### **SafeWork Requirements**

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

#### **Hoarding Requirements**

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

#### **Handling of Asbestos**

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

## **Fire Safety Certificate**

AN13. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 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.