

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The [NSW](#) Independent Planning Commission (the Commission), as the declared consent authority under section 2.7 of the *State Environmental Planning Policy (Planning System) 2021* (~~formerly 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;
- providing a process to inform and consult with the public; and
- provide for the ongoing environmental management of the development.

[Adrian Pilton](#) (Commissioner)

Member of the Commission

[Dr Sheridan Coakes](#)
(Commissioner)

Member of the Commission

[Soo-Tee Cheong OAM](#)
(Commissioner)

Member of the Commission

Sydney

XX December 2022

SCHEDULE 1

Application Number: SSD 17424905

Applicant: Pymble Ladies College

Consent Authority: [NSW](#) Independent Planning Commission ~~of NSW~~

Site: A portion of Pymble Ladies College campus at 20 Avon Road, Pymble being Lot 1 DP 69541

Development: The Grey House Precinct development involving demolition of existing structures and construction of a five-storey building to accommodate the following:

- junior school classrooms (years 5 and 6);
- science, technology engineering and mathematics laboratories;
- health and wellbeing facilities (consulting rooms/wards);
- a dance academy;
- out-of-school-hours care;
- a new early learning centre for 90 children and 20 staff;
- outdoor learning spaces for existing students; and
- tree removal and associated landscaping works.

Commented [AC1]: This was suggested by the DPE's legal team to take into account the SEPP transitions and be consistent with the assessment report. We suggest that you check with your legal team prior to deleting this reference.

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DEFINITIONS

| | |
|---|---|
| Aboriginal object | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> |
| Aboriginal place | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> |
| Accredited Certifier | Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies. |
| Advisory Notes | Advisory information relating to the consent but do not form a part of this consent |
| Applicant | Pymble Ladies College or any other person carrying out any development to which this consent applies |
| BCA | <i>Building Code of Australia</i> |
| BC Act | <i>Biodiversity Conservation Act 2016</i> |
| CEMP | Construction Environmental Management Plan |
| Certified Contaminated Land Consultant | A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time |
| Certifier | Means a council or accredited certifier. A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> |
| Conditions of this consent | The conditions contained in Schedule 2 of this document |
| Construction | <p>All physical work to enable operation including but not limited to the demolition of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Environment and Heritage Group or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation). <u>The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent</u></p> |
| Council | Ku-Ring-Gai Council |
| Day | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays |
| Demolition | The deconstruction and removal of buildings, sheds and other structures on the site |
| Department | NSW Department of Planning and Environment |
| Development | <u>The development described in the EIS and Response to Submissions, including the works and activities comprising the Grey House Precinct</u> |

Commented [AC4]: Agree to all changes to the definitions except where comments are provided

Commented [KH5]: update the grey white alternate shading now definitions moved

Commented [OIPC6]: Comment to the Department:
Terms have been deleted from the definitions list where they are not used in document.

Commented [OIPC7]: Comment to the Department:
All references to BCA have been replaced by NCC.

Commented [OIPC8]: Comment to the Department:
Definition simplified and in line with other recent consents.

Commented [AC9R8]: Agree to this. Please please note amending this definition may mean that heritage or contamination related investigations may not be allowed prior to the issue of CC as they would fall under the definition of construction. The scope for "investigative excavations/drilling" should be added.

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| | The development approved pursuant to this consent, as defined in Condition The development approved pursuant to this consent, as defined in Condition The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent |
| Development consent SSD-5314 | Means the development consent granted by the Minister for Planning and Infrastructure under former s 89E of the EP&A Act dated 9 September 2013 |
| Earthworks | Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services |
| EHG | Environment and Heritage Group of the Department of Planning and Environment |
| EIS | The Environmental Impact Statement titled <i>Environmental Impact Statement – Grey House Precinct, Pymble Ladies College</i> , prepared by Willowtree Planning Pty Ltd dated October 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application |
| ELC | Early Learning Centre |
| ENM | Excavated Natural Material |
| Environment | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings |
| EPA | NSW Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000/ 2021</i> [Note: in line with the savings and transitional provisions of Schedule 6 sections (2) & (3) of the EP&A Reg 2021, if the application was made but not determined prior to 1 March 2022, the 2000 Regulation applies] |
| ESD | Ecologically Sustainable Development |
| Evening | The period from 6pm to 10pm. |
| Feasible | Means what is possible and practical in the circumstances |
| GTP | Green Travel Plan |
| Heritage | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement |
| Heritage NSW | Heritage, Community Engagement of the Department of Premier and Cabinet |
| Incident | An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: “material harm” is defined in this consent</i> |
| Independent Audit Post Approval Requirements | Independent Audit Post Approval Requirements as available on the Department’s website |
| Land | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act |
| EMP | Environmental Management Plan |
| Management and mitigation measures | The management and mitigation measures set out in Part I of the EIS and Appendix 17. |
| Material harm | Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all |

Commented [OIPC10]: Comment to the Department:
Definition simplified and in line with other recent consents.

Commented [KH11]: you may wish to revisit this in light of our later advice on recommending a deferred commencement

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| | reasonable and practicable measures to prevent, mitigate or make good harm to the environment) |
| Mitigation | Activities associated with reducing the impacts of the development prior to or during those impacts occurring |
| Monitoring | Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act |
| <u>NCC</u> | National Construction Code which means the current standards which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board |
| Non-compliance | An occurrence, set of circumstances or development that is a breach of this consent |
| Operation | The carrying out of the approved purpose of the development upon completion of construction. |
| OTAMP | Operational Transport and Access Management Plan |
| PA | Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act. |
| PLC | Pymble Ladies College |
| Planning Secretary | Planning Secretary under the EP&A Act, or nominee |
| POEO Act | <i>Protection of the Environment Operations Act 1997</i> |
| Reasonable | Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements. |
| Rehabilitation | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting. |
| <u>Response to submissionsRtS</u> | 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 [The Response to Submissions report titled <i>Response to Submissions – Pymble Ladies College, Grey House Precinct, prepared by Willowtree Planning Pty Ltd</i> dated 4 May 2022, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application |
| Sensitive receivers | A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area. |
| Site | The land defined in Schedule 1. |
| Site Auditor | As accredited by the EPS pursuant to section 4 of the <i>Contaminated Land Management Act 1997</i> . |
| Site Audit Report | A report prepared by a Site Auditor pursuant to section 4 of the <i>Contaminated Land Management Act 1997</i> |
| Site Audit Statement | A statement prepared by a Site Auditor pursuant to section 4 of the <i>Contaminated Land Management Act 1997</i> |
| SRtS | The Applicant's supplementary RtS, prepared by Willowtree Planning Pty Ltd dated 4 May, 10 June and 4 July 2022, including any additional information provided by the Applicant in support of the application |
| <u>SSD</u> | State Significant Development |
| TfNSW | Transport for New South Wales |
| Upgrading | The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation. |
| Waste | Has the same meaning as the definition of the term in the Dictionary to the POEO Act |

Commented [OIPC12]: Comment to the Department:
Definition in line with other recent consents. The Commission would be assisted by confirmation that this is an appropriate definition.

Commented [OIPC13]: Comment to the Department:
Definition in line with EIS definition above.

Works

Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures

Year

A period of 12 consecutive months

Commented [OIPC14]: Comment to the Department:
Definition added, in line with other recent consents.

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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 [Environmental Impact Statement \(EIS\)](#) and Response to Submissions (RtS) and supplementary RtS (SRtS);
- (d) in accordance with the approved plans in the table below [\(subject to any changes to the plans required under the conditions of this consent\)](#);

Commented [OIPC15]: Comment to the Department:
Note condition B1 further below.

Commented [AC16R15]: agree

| Architectural Plans prepared by BVN Architecture | | | |
|---|------------|--------------------------------------|-------------|
| Dwg No. | Rev | Name of Plan | Date |
| DA-A10-AA-00 | 9 | Cover Sheet | 10/6/2022 |
| DA-A10-AA-10 | 5 | Location Plan | 3/5/2022 |
| DA-A10-AA-11 | 6 | Existing Site Plan and Site Analysis | 3/5/2022 |
| DA-A10-AA-12 | 11 | Proposed Site Plan and Site Analysis | 3/5/2022 |
| DA-B10-00-00 | 13 | General Arrangement Plan-Level 00 | 3/5/2022 |
| DA-B10-01-00 | 13 | General Arrangement Plan-Level 01 | 3/5/2022 |
| DA-B10-02-00 | 13 | General Arrangement Plan-Level 02 | 3/5/2022 |
| DA-B10-03-00 | 13 | General Arrangement Plan-Level 03 | 3/5/2022 |
| DA-B10-04-00 | 13 | General Arrangement Plan-Level 04 | 3/5/2022 |
| DA-B10-05-00 | 3 | General Arrangement Plan-Roof Level | 3/5/2022 |
| DA-C10-AA-01 | 8 | Elevation- North and South | 3/5/2022 |
| DA-C10-AA-02 | 9 | Elevation- East and West | 3/5/2022 |
| DA-D10-AA-01 | 8 | Section- Sheet 1 | 3/5/2022 |
| DA-D10-AA-02 | 7 | Section- Sheet 2 | 3/5/2022 |
| DA-D10-AA-03 | 7 | Section- Sheet 3 | 10/6/2022 |
| DA-L10-AA-01 | 9 | Shadow Diagrams-Sheet 1 | 3/5/2022 |
| DA-L10-AA-02 | 9 | Shadow Diagrams-Sheet 2 | 3/5/2022 |
| DA-L10-AA-03 | 10 | Shadow Diagrams-Sheet 3 | 3/5/2022 |
| DA-L10-AA-04 | 5 | Shadow Diagrams-Sheet 4 | 3/5/2022 |
| DA-L10-AA-05 | 7 | Shadow Diagrams-Sheet 5 | 3/5/2022 |
| DA-L10-AA-06 | 5 | Shadow Diagrams-Sheet 6 | 3/5/2022 |
| DA-L10-AA-07 | 7 | Shadow Diagrams-Sheet 7 | 3/5/2022 |
| DA-L10-AA-08 | 3 | Shadow Diagrams-Sheet 8 | 3/5/2022 |
| DA-L10-AA-09 | 2 | Shadow Diagrams-Sheet 9 | 3/5/2022 |
| Landscape drawings prepared by Oculus | | | |
| Dwg No. | Rev | Name of Plan | Date |

| | | | |
|------|---------|--------------------|----------|
| L004 | Issue-2 | Overall Site Plan | 1/4/2022 |
| L005 | Issue-2 | Site Plan Level 00 | 1/4/2022 |
| L006 | Issue-2 | Site Plan Level 01 | 1/4/2022 |
| L007 | Issue-2 | Site Plan Level 02 | 1/4/2022 |
| L008 | Issue-2 | Site Plan Level 03 | 1/4/2022 |
| L009 | Issue-2 | Site Plan Level 04 | 1/4/2022 |

- 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
 - the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). ~~Error! Reference source not found.~~ In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and ~~A2(d). Error! Reference source not found.~~, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Commented [OIPC17]: Note to the Department
Please update cross referencing as required (or advise IPC)

Commented [AC18R17]: added

Limits of Consent

- A5. This consent will lapse five years ~~after the date of consent from the date the consent is published on the NSW Planning Portal~~ unless ~~the works associated with the development have~~ is physically commenced.
- A6. This development consent does not approve the following:
- any electrical substation;
 - any increase in student and / or staff numbers within Pymble Ladies College (PLC) (apart from the new ~~e~~Early ~~L~~earning ~~e~~Centre (ELC) facility);
 - any works outside the land titled Lot 1 DP 69541;
 - any change to the operational hours of PLC unless otherwise specified in any conditions of development consent;
 - works within Grey House Walkway;
 - construction of any new or alterations to any existing waste collection areas;
 - installation of boom gates, alterations and additions to Centenary Car Park; and
 - any alterations to the existing service vehicle, staff car parking areas and/or drop-off/pick-up facilities including bus zones.

Student Numbers

- A7. The proposed ~~early learning centre (ELC)~~ must not enrol more than 90 children (aged 0 – 5 years) and 20 full time equivalent staff members.

Car Parking

- A8. A total of 37 car spaces must be available within the Centenary Car Park for use by the ELC staff and visitors, during the ELC operating hours on weekdays.

Amendment to Development Consent SSD-5314

- A9. Pursuant to sections 4.17(1)(b) and 4.17(5) of the EP&A Act, Development Consent SSD-5314 is ~~required to be~~ modified as follows:

Commented [A19]: It is modified via this consent by IPC. Please see reasons in the assessment report which was drafted per legal advice. No further modifications to any other consents is required. Therefore the words "required to be" should be deleted.

- (a) Amend Schedule 1 to Development Consent SSD-5314 as indicated with the following bolded and italics text and strikethroughs:

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Development: Pymble Ladies College Staged Development Application, including:

- A concept proposal for the redevelopment of school facilities over four **three** stages, including:
 - demolition of existing swimming pool,
 - construction of three new buildings on site with a combined GFA of approximately 5,596 sqm, including an Aquatic and Fitness Centre, a Dining and Function Centre, ~~and a Healthcare Centre,~~
 - use of Aquatic and Fitness Centre by school and community;
 - use of Dining and Function Centre by school and community;
 - minor upgrade of existing Jeanette Buckham PE Centre;
 - relocation of existing Mollie Dive Field with car parking below for 232 vehicles and removal of 36 existing car parking spaces;
 - landscaping and utilities; and
 - no additional staff or students.
- Stage 1 works, including:
 - demolition of existing swimming pool,
 - construction of an Aquatic and Fitness Centre;
 - landscaping and utilities;
 - relocation of existing Mollie Dive Field;
 - use of new Aquatic and Fitness Centre by school and community; and
 - minor upgrade of existing Jeanette Buckham PE Centre.

- (b) Amend Conditions A3, A4 and A5 in Schedule 2 to Development Consent SSD-5314 as indicated with the following bolded and italics text and strikethroughs:

Determination of Future Applications

- A3. In accordance with section 83B(3)(a) of the EP&A Act, Stage 2, ~~and 3 and 4~~ of the 'concept proposal' are to be the subject of future development application(s).
- A4. The determination of the future Stage 2, ~~and 3 and 4~~ development application(s) are to be generally consistent with the terms of this development consent as described in Schedule 1, Condition A5 of Part A of Schedule 2, and subject to the conditions in Part B in Schedule 2.

Development in Accordance with Plans and Documents

- A5. The Applicant shall carry out the development generally in accordance with the:
- (a) Environmental Impact Statement, as amended by the Response to Submissions, and
 - (b) Following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development'; and
 - ii) otherwise provided by the conditions of this consent.

| Concept Proposal | | | |
|---|-----------------------|--------------------------------|------------------------------------|
| Architectural (or Design) Drawings prepared by <i>PMDL Architecture & Design Pty Ltd</i> | | | |
| Drawing No. | Revision | Name of Plan | Date |
| DA009 | B C | Overall Staging Plans | August 2012 2022 |
| DA010 | B | Overall Ground Level Site Plan | August 2012 |
| DA011 | B | Overall Upper Level Site Plan | August 2012 |
| DA012 | B | Overall Lower Level Site Plan | August 2012 |
| DA020 | B | Overall Site Elevations | August 2012 |
| DA030 | B | Overall Site Section | August 2012 |
| Landscape Drawings prepared by <i>Taylor Brammer Landscape Architecture Pty Ltd</i> | | | |
| Name of Plan | | | Date |
| PLC Aquatic Centre, Mollie Dive Field and Dining – Landscape Concept | | | 11 October 2011 |

- (c) Amend heading of Part B of Schedule 2 to Development Consent SSD-5314 as follows:

PART B CONDITIONS OF CONCEPT PROPOSAL (CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS FOR STAGES 2, AND 3 AND 4)

- (d) Delete Condition B2 of Schedule 2 to Development Consent SSD-5314 as follows:

~~B2. The Healthcare Centre is restricted to a maximum height of RL 126.82 metres AHD and is to be contained within the building envelope illustrated on the approved plans referenced in Condition A5 of Part A of Schedule 2.~~

- (e) Amend Condition B5 of Schedule 2 to Development Consent SSD-5314 as follows:

Landscaping

B5. All future development applications for Stages 2, ~~and 3 and 4~~ must include detailed landscape plans identifying the vegetation to be removed or relocated and the location of any additional landscaping, and must be generally in accordance with the approved landscape concept in Condition A5 of Part A of Schedule 2. The detailed landscape plans should include relevant details of the species to be used in the various landscaped areas (preferably species indigenous to the area), including details of the informal native and cultural avenue plants, and other soft and hard landscape treatments, including any pavement areas and modular and sculptural seating.

- (f) Amend Condition B12 of Schedule 2 to Development Consent SSD-5314 as follows:

Contamination

B12. All future development applications for Stages 2, ~~and 3 and 4~~ are to include detailed Phase 2 contamination assessments of the site area for the respective stage (including detailed soil sampling investigations) to assess the likelihood of soil or groundwater contamination being present at the site. Should the detailed contamination assessments identify a need to undertake remediation to render to the site suitable for its future use, the future applications should be accompanied by a Remediation Action Plan which addresses the requirements of State Environmental Planning Policy No. 55 – Remediation of Land and Managing Land Contamination: Planning Guidelines – SEPP 55 Remediation of Land (Department of Urban Affairs and Planning, 2008).

Prescribed Conditions

A10. 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

A11. In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution.

Commented [OIPC20]: Comment to the Department:
Sentence deleted, in line with other recent consents.

Evidence of Consultation

A12. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

Commented [AC21R20]: agree

Staging

A13. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

A14. A Staging Report prepared in accordance with condition A13 must:

- (a) be generally consistent with the proposed staging submitted with the EIS, unless a revised staging report is submitted to the Planning Secretary;
- (b) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
- (c) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
- (d) specify how compliance with conditions will be achieved across and between each of the stages of the project;
- (e) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
- (f) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

A15. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.

A16. 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 including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

A17. 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).

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

A19. 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.

A20. 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

A21. 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 [NCC](#).

Notes:

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 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

A22. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the [NCC](#).

Applicability of Guidelines

A23. 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.

A24. 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

A25. 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

- A26. 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 complaint 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

- A27. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- A28. 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.
- A29. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A30. The Planning Secretary must be notified through the major project's portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major project's portal within seven days after they identify any non-compliance.
- A31. 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.
- A32. 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

A33. Within three months of:

- (a) the submission of an incident report under condition A28;
- (b) the submission of an Independent Audit under condition [D39](#); and
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

A34. 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.

DRAFT

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Design amendments and updates

B1. The Applicant must not carry out any construction under the terms of this consent until the Applicant has satisfied the Planning Secretary that it has:

- (a) amended the placement of the proposed new five-storey building to achieve a further setback from the south-eastern boundary:
 - (i) of a minimum of five metres; or
 - (ii) such other setback alternative that will, when viewed from 57A and 59B Pymble Avenue, result in the apparent visual reduction of one storey when compared to the photomontage views prepared by Vastu Australia Pty Ltd, as referred to by the Department's Response to Request for Information letter dated 18 November 2022; or
- (b) provided sufficient evidence that it has purchased or leased the properties located at 57A and 59B Pymble Avenue; or
- (c) provided sufficient evidence that the Applicant has entered into (or made its best endeavours to enter into) written agreements with land-owners of properties located at 57A and 59B Pymble Avenue addressing their privacy and overshadowing impacts of the Project to the landowners' satisfaction.

B4-B2. Prior to the issue of any relevant construction certificate, the Applicant must submit design details to the Certifier for approval which demonstrate that:

- (a) all design related recommendations of the report titled *Pedestrian Wind Environment Study (WG268-01F03(REV1))* prepared by Windtech dated 26 August 2021 and the RtS, have been incorporated including the proposed glass backing against the upper-level balustrades of the balconies and outdoor play areas of the building;
- (b) all design related recommendations including (but not limited to), building material specifications and glazing specifications as recommended in the *Noise Impact Assessment Report* prepared by Pulse White Noise Acoustics dated 11 October 2021 have been incorporated;
- (c) obscure glass is proposed to the following windows along the south-eastern façade of the building (fronting Pymble Avenue):
 - (i) junior school classrooms windows (including picture windows) on Level 2 and Level 3 of the building directly facing the properties at Nos. 57A and 59B Pymble Avenue (identified in the plans listed in condition A2);
- (d) a 1.8m high palisade balustrade is proposed for the level 2 ELC outdoor play area boundary as identified in the plans listed in condition A2 and the RtS; and
- (e) a minimum 1m high privacy glass or obscure glass is proposed behind the 1.8m high palisade balustrade for a section of the Level 2 ELC play area, on the south-eastern sided, directly facing Nos. ~~Nos.~~ 57A and 59B Pymble Avenue.

Note: the privacy glass or obscure glass can form part of the glass backing that is proposed to screen wind effects at this level as identified by the Applicant in the RtS.

Landscape Plan

B2-B3. Prior to the issue of any relevant construction certificate for landscaping works, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Certifier. The plan must:

- (a) be generally consistent with the landscape plans approved in condition A2, or as amended to address condition B1;
- (b) include the additional landscaping recommendations in the *Pedestrian Wind Environment Study (WG268-01F03(REV1))* prepared by Windtech dated 26 August 2021;
- (c) include evidence of consultation with the relevant Aboriginal Party (including Uncle Laurie Bimson) in the development of the detailed landscape plan and outdoor learning spaces

Commented [OIPC22]: Comment to the Department:

By including this condition, the Panel's intention to significantly reduce the amenity impacts of the project on adjoining residents.

Commented [AC23R22]: The Department is concerned about the placement of this condition part B of the consent.

The condition requires substantial design change and should be a Deferred Commencement condition similar to SSD-10371, issued by IPC. This would provide an opportunity for IPC (and DPE on behalf of IPC) to review the amended design (if that option is pursued) when lodged and decide whether an appropriate outcome is achieved to meet the conditions.

Commented [KH24]: noting that just pushing the building back will have significant ramifications to the existing development Goodlet house and access between the 2 buildings. Suggest rewording it so that amendments as a deferred commencement are required to the building design that A- increases the setback to the south eastern boundary B – but does not increase the height or length of the building and allows them narrow the floorplate as an example. current wording would mean that if the pushing back

Commented [KH25]: a setback change can not change the apparent visual appearance by one storey - are you suggesting instead that it be excavated into the ground so that the current height is dropped? unclear what the reference alternate setback is unless you are coupling it

Commented [AC26]: The Department considers that the imposition of this condition is beyond power of the consent authority. We suggest that you seek legal advice prior to imposing this condition.

Commented [KH27]: DPE recommends do not include this as it is unable to be managed – this current wording would mean that the applicant has to write to them once with an offer (could be totally unreasonable) and repeat that offer for the condition to be met and the entirety of this

Commented [AC28]: The Department is concerned about various aspects of this condition. The condition should form part of the deferred commencement condition. Plus this condition is broad and may not meet the Newbury "validity test". The condition should specify what sort of

Commented [KH29]: you can't address overshadowing impacts you can only address their concerns – the shadow will not change as result of the agreement. DPE suggest maybe using words such as that the agreement confirms

- to demonstrate how connecting with country principles have been addressed including, but not limited to, the useability, amenity and plant species selection;
- (d) include evidence to demonstrate that the stories learnt during the Connection with Country consultation have been used in the development of landscaping design as well as patterns, paving's and surface renders;
 - (e) include details of creation of the 'wild edge' with Blue Gum High Forest, within the Grey House Precinct including establishment of fauna corridors in this area;
 - (f) include details of dense planters along the south-eastern side of the ELC play area as identified in the RtS;
 - (g) include under-storey planting along the south-eastern edge to provide biodiversity;
 - (h) detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - (i) include species (trees, shrubs and groundcovers) indigenous to the local area;
 - (j) include details to demonstrate that at least 37 trees are proposed to replace the lost canopy;
 - (k) include recommendations of the *Biodiversity Development Assessment Report* prepared by Ecological Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and Wetlands dated June 2022(BDAR);
 - (l) include the provision of nest boxes and compensatory tree hollows suitable to native fauna likely to use the site;
 - (m) include rocks and other landscape features that can be used as foraging habitat of native species and provide species connectivity; and
 - (n) include a planting buffer area with a minimum width of eight metres along the south-eastern setback capable of facilitating:
 - (i) moderately dense tree planting:
 - with minimum spacing between trees of four metres;
 - that is planted in a natural configuration, consistent with the 'wild edge', and not planted in straight rows;
 - (ii) minimum tree heights of five metres at planting; and
 - (i)(iii) deep soil with a minimum depth of 900 millimetres.

ELC Specifications

B3.B4. Prior to the issue of any relevant construction certificate for the ELC, detailed ELC plans that are certified by a suitably qualified person to be compliant with the Education and Care Services National Regulations must be submitted to the Certifier and to the Planning Secretary for information. The revised plans must detail the following:

- (a) provision of laundry facilities;
- (b) toilet and hygiene facilities appropriate to the developmental stage and age of children under care within the centre; and
- (c) adequate nappy change facilities appropriate to the developmental stage and age of children under care within the centre.

External Walls and Cladding

B4.B5. Prior to the issue of any relevant 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 NCC. 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

B5.B6. Prior to the issue of any construction certificate for the mechanical plant and equipment, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *Noise Impact Assessment Report*, dated 11 October 2021 and prepared by Pulse White Noise

Commented [OIPC30]: Comment to the Department:

By including this condition, the Panel's intention to improve the landscaping quality at the interface of the site. The Panel would be assisted by advice on if this planting width is possible.

Commented [AC31R30]: This should also form part of the deferred commencement condition. Achieving a 8m planting setback would be reliant on the overall design amendments required by condition B1. The planting buffer would require relocation of the access pathway for the maintenance vehicle. The deferred commencement requirement should be asking for an updated landscape plan to be submitted that includes and accommodates

Commented [KH32R30]: we assume that advice has been received that mature blue gums can grow to full height being only 4 metres apart without detriment to crown development

Acoustics have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise Impact Assessment Report.

Operational Waste Storage and Processing

B6.B7. Prior to the issue of the construction certificate for waste storage and processing areas, the Applicant must provide details of location operational waste storage areas within the site (for storage of bins in relation to the ELC and junior school), where applicable.

Stormwater Management System

B7.B8. Prior to the issue of any relevant 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 civil works plans submitted with the EIS;
- (c) include all stormwater quality treatment measures as outlined in the civil works report submitted with the EIS; and
- (d) be in accordance with applicable Australian Standards and Council's requirements.

Roadworks and Access

B8.B9. Prior to the issue of any relevant construction certificate for traffic calming measures (as required by condition **D3**), the Applicant must submit design plans to the satisfaction of the relevant roads authority (and/or Local traffic Committee as applicable) and obtain necessary approvals.

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.

Geotechnical recommendations

B9.B10. Prior to the issue of any relevant construction certificate for a construction stage, which involves ground disturbance, the construction certificate plans must demonstrate compliance with the recommendations as outlined in Geotechnical Investigations prepared by JK Geotechnics dated 8 February 2021.

Development Contributions

B10.B11. Prior to issue of any construction certificate (not including demolition), a Section 7.12 levy totalling 1% of the proposed cost of carrying out the development, being \$466,658.13 (as indexed), must be paid to Council in accordance with Section 7.12 of the EP&A Act and Ku-ring-gai Council S94A Development Contributions Plan. Prior to payment Council can provide the value of the indexed levy. The payment of the levy may be staged, if agreed with Council.

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

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- C4. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

Pre-Construction Survey – Adjoining Properties

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential buildings that are likely to be impacted by the development.
- C6. Where the offer for a pre-construction survey is accepted (as required by condition C5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C5, the Applicant must:
 - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Community Consultative Committee

- C8. 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 Guideline: State Significant Projects (2019)*. The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so throughout construction and operation of the proposed development or other timeframe agreed by the Planning Secretary.

Note:

- 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.

Commented [OIPC33]: Comment to the Department:

By including this condition, the Panel's intention to improve consultation opportunities for the community.

Commented [AC34R33]: agree

Commented [KH35]: to be clear this CCC will only have remit for the development defined in the instrument and the operation of that building only

Community Communication Strategy

C8.C9. No later than four weeks before the commencement of construction, 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 people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant and report any complaints;
 - (ii) through which the Applicant will respond to enquiries, complaints or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

Demolition

C9.C10. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier.

Stormwater diversion

C10.C11. Prior to the commencement of any construction on the site pursuant to this development consent (except demolition and tree removal works), the Applicant must submit evidence to the satisfaction of the Certifier that the stormwater diversion works (not approved by this consent) have been completed.

Ecologically Sustainable Development

C11.C12. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that Ecologically Sustainable Development (ESD) is being achieved by either:

- (a) registering for a minimum 5-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
- (b) providing design details for ESD measures equivalent to a minimum 5-star Green Star rating and seeking approval from the Planning Secretary for this alternative certification process.

Construction Parking

C12.C13. Prior to the commencement of any construction, the Applicant must provide sufficient parking facilities on-site to the satisfaction of the certifier, including for heavy vehicles and construction workforce vehicles, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Commented [OIPC36]: Comment to the Department:
The Panel's intention is to improve consultation opportunities for the community.

Commented [AC37R36]: agree

Outdoor Lighting

C13.C14. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Environmental Management Plan Requirements

C14.C15. 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

C15.C16. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by condition **C9**;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition **C18**);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition **C19**);
- (d) Construction Waste Management Sub-Plan (see condition **C20**);
- (e) Construction Soil and Water Management Sub-Plan (see condition **C21**);
- (f) Biodiversity Management Sub-Plan (see condition **C22**);
- (g) an unexpected finds protocol for contamination and associated communications procedure; and
- (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.

C16.C17. 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.

C17.C18. 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 consistent with the preliminary construction traffic management plan submitted with the *Transport Impact Assessment Report* prepared by Stantec dated June 2022;
- (c) be prepared in consultation with Council and [Transport for NSW \(TfNSW\)](#);

- (d) 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;
- (e) detail the measures that are to be implemented to ensure no disruptions to the ongoing operations of the school, including student and staff movements, use of traffic controllers, alternate routes within the PLC campus etc; and
- (f) detail heavy vehicle routes, access and parking arrangements.

C18.C19. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
- (c) incorporate the acoustic mitigation measures recommended to achieve the construction noise management levels recommended in the *Noise and Impact Assessment* prepared by Pulse White Noise Acoustics dated 11 October 2021, including but not limited to acoustic screening around static construction equipment and hoardings, where appropriate, to minimise adverse impacts on neighbouring properties;
- (d) incorporate the vibration management strategies, including ensuring safe working distances for vibration intensive plant outlined in the *Noise and Impact Assessment* prepared by Pulse White Noise Acoustics dated 11 October 2021;
- (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (f) describe the measures to be undertaken to ensure that the ongoing operations of the PLC campus are not disrupted due to highly affecting construction noise;
- (g) include strategies that have been developed with the community for managing high noise generating works;
- (h) describe the community consultation undertaken to develop the strategies in condition **C19(f)**;
- (i) include a complaints management system that would be implemented for the duration of the construction; and
- (j) 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**.

C19.C20. The Construction Waste Management Sub-Plan (CWMSMP) must address, but not be limited to, the procedures for the management of waste comprising:

- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
- (b) information regarding the recycling and disposal locations; and
- (c) confirmation of the contamination status of the development areas of the site based on the validation results.

C20.C21. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:

- (a) be prepared by a suitably qualified expert, in consultation with Council;
- (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
- (c) 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); and
- (d) detail all off-Site flows from the site.

[C21.C22](#) The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) identify areas of land where impacts on biodiversity are to be avoided as outlined in the BDAR and set out how these areas will be protected from construction impacts; and
- (c) set out the measures identified in the BDAR to minimise, mitigate and manage impacts on biodiversity, including, but not limited to, pathogen prevention, retention of trees, including timing and responsibility for delivery of the measures.

Driver Code of Conduct

[C22.C23](#) 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

[C23.C24](#) Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. 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.

[C24.C25](#) Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

Biodiversity

[C25.C26](#) Prior to the commencement of construction, the number and classes of ecosystem credits and species credits (like-for-like) set out in the BAM Biodiversity Credit Report contained in Appendix IV of the BDAR must be retired.

[C26.C27](#) The requirement to retire like-for-like ecosystem credits and species credits in condition [C26](#) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.

Pre-Clearing Vegetation Plan and Seed Collection

[C27.C28](#) At least one month prior to the commencement of tree removal within the site, a pre-clearing vegetation plan must be prepared and submitted to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified ecologist;
- (b) map and mark habitat-bearing trees and shrubs to be retained/removed and other fauna habitat features and determine the presence of any resident native fauna using nests, dreys and hollows; and
- (c) provide evidence of the pre-clearing surveys and inspections for fauna and any relocation of fauna that must be provided.

[C28.C29](#) If native fauna is found during preparation of pre-clearing vegetation plan, the fauna must be relocated to appropriate nearby habitat.

[C29.C30](#) Prior to the removal of any local native vegetation from the site including plant species consistent with Sydney Turpentine Ironbark Forest and/or Blue Gum High Forest, seeds from native trees and shrubs approved for removal is collected and it is propagated by a suitably qualified bush regenerator and used in the site plantings.

C30.C31. Prior to any earthworks and clearing of native vegetation commencing, all native juvenile plants that are capable of being replanted, must be translocated to a suitable location.

C31.C32. Should the removed native trees not be able to be re-used by PLC, the Applicant must consult with local community restoration/rehabilitation groups, Landcare groups, and relevant Government agency or Council, and Greater Sydney Local Land Services prior to removing any native trees to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses must be documented and provided to the Certifier for information prior to the tree removal.

Hollow Bearing Trees

C32.C33. Where tree hollows and/or hollow dependent native fauna are found using existing hollows, compensatory tree hollows should be provided prior to removing the tree hollows and prior to the release of the hollow dependent fauna unless the removed tree hollows can be relocated and installed on the same day they are removed.

C33.C34. The compensatory nest boxes are to be installed by an appropriately experienced person prior to the removal.

C34.C35. The Applicant must install a minimum of **four** microbat boxes in the trees being retained.

C35.C36. The compensatory nest boxes must be installed at least one month prior to any vegetation removal, to provide alternate habitat for hollow-dependent fauna displaced during clearing.

Vegetation Management Plan

C36.C37. At least one month prior to the commencement of construction (except demolition), a Vegetation Management Plan (VMP) must be prepared by an appropriately qualified and experienced ecologist or bush regenerator and implemented for the protection, maintenance, management and improvement in perpetuity of existing and planted native vegetation and fauna habitats on the site. The VMP must include the recommendations in section 11.15 of the BDAR.

PART D DURING CONSTRUCTION

Site Notice

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

Commented [OIPC38]: Comment to the Department:
Please clarify if site notices are required on the campus boundaries given the location of the project site?

Commented [AC39R38]: This is a standard requirement. Agree to adding the word Entrance

Commented [KH40]: do you want plural here or based on the walkway being closed there is now only one entrance

Grey House Walk

- D2. Grey House Walk must not be open for any access to the site and the Pymble Ladies College campus during construction.

Commented [OIPC41]: Comment to the Department:
The Panel's intention in including this condition to close Grey House Walk during construction.

Commented [AC42R41]: agree

Traffic Calming Measures

- D2.D3. Within six months of commencement of construction, the Applicant must undertake a Supplementary Traffic Assessment Report (TIA). The TIA must:

- be prepared by a suitably qualified independent traffic consultant;
- be prepared in consultation with Council and be endorsed by Council;
- include an assessment of the existing traffic volumes and traffic conditions on the traffic route along Arilla Road / Mayfield Avenue / Allawah Road route connecting to Avon Road;
- include an assessment of post development traffic conditions on this route, noting the inclusion of 90 ELC children and staff (considering the worst-case scenario of 90 students);
- include the need for traffic calming measures on this road to improve the post development traffic scenario including, but not limited to:
 - speed control measures;
 - traffic volume control measures and
 - safety enhancements;
- demonstrate that the proposed traffic calming measures on the Arilla Road/ Mayfield Avenue/Allawah Road route would be sufficient to offset impacts of increased spaces within the ELC and / or alternate mitigation / management measures are proposed in consultation with the road authorities on this route.

- D3.D4. The TIA (as endorsed by Council) must be submitted to the Planning Secretary for approval within 12 months of commencement of construction.

Note: separate construction certificates under Roads Act 1993 are required to be obtained to install all traffic calming measures and signs, as applicable

Site Contamination

- D4.D5. Within one month of completion of demolition works and prior to commencement of **ANY** ground disturbance pursuant to this development consent, the Applicant must conduct site investigations to confirm the full nature and extent of the contamination at the site and identified in *Report on Preliminary (Desktop) Site Investigation* prepared by JK Environments dated 23 June 2021 and comply with the following requirements:

- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997;
- (b) the site investigation(s) must include borehole testing pits distributed within the development area (as defined in this consent);
- (c) the recommendations of the Report on Preliminary (Desktop) Site Investigation prepared by JK Environments dated 23 June 2021 and the unexpected finds procedure must be updated following results of further site investigations;
- (d) the documentation must include Detailed Investigation Reports and Remedial Action Plans, if recommended by the updated investigation report mentioned in condition; and
- (e) all reports required by condition must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

Clearing Native Vegetation

D5.D6. Where possible, the Applicant must:

- (a) salvage and reuse any existing logs on the ground and native trees that are removed including hollows and tree trunks (greater than approximately 25-30cm in diameter and 2-3m in length);
- (b) place root balls on the ground within the areas to be replanted with local native species; and
- (c) salvage and relocate hollow sections of wood removed to appropriate locations, to provide natural nest boxes prior to the release of any native fauna found using the tree hollows.

Operation of Plant and Equipment

D6.D7. 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

D7.D8. 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 **C10**.

Construction Hours

D8.D9. 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.

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

D9.D10. Construction activities may be undertaken outside of the hours in condition **D9** 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.

D10.D11. Notification of such construction activities as referenced in condition **D10** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

Commented [OIPC43]: Comment to the Department:

The Panel's intention is to significantly reduce the amenity impacts of construction works on adjoining residents.

Commented [AC44R43]: The Department notes this is inconsistent with EPA's requirements as well as Council's requirements. The Department is concerned that this would lead to a precedent in the locality and for other similar applications in low density residential areas including construction sites that are located this distance from receivers. Construction works are temporary and mitigated via the CNVMP measures. Additionally, the Council's Communication Strategy, Audits and compliance conditions ensure that construction impacts are managed.

D11.D12. Rock breaking, rock saw cutting, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours, unless otherwise approved under the CNVMSP:

- (a) 9am to 12pm, Monday to Friday; and
- (b) 2pm to 5pm Monday to Friday.

Commented [AC45]: Ditto as above.

Implementation of Management Plans

D12.D13. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Hoarding Requirements

D13.D14. 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

D14.D15. 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

D15.D16. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMSP.

D16.D17. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding outside of the construction hours of work outlined under condition D9.

D17.D18. 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

D18.D19. 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).

D19.D20. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D19.

D20.D21. The limits in conditions D19 and D20 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C19 of this consent.

Tree Protection

D21.D22. For the duration of the construction works:

- (a) ~~all trees on the site that are not approved for removal must be suitably protected during~~
all trees on the site that are not approved for removal must be suitably protected during
all trees on the site that are not approved for removal must be suitably protected during

Commented [OIPC46]: Comment to the Department:
Conditions deleted as there will be no impact to street trees

Commented [AC47R46]: agree

- (d)(b) 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

D22.D23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D23.D24. During construction, the Applicant must ensure that:

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

Erosion and Sediment Control

D24.D25. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

Imported Fill

D25.D26. The Applicant must:

- (a) ensure that only [Virgin Excavated Natural Material \(VENM\)](#), [Excavated Natural Material \(ENM\)](#), or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

D26.D27. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Unexpected Finds Protocol – Aboriginal Heritage

D27.D28. 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 EHG 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 EHG to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EHG.

Unexpected Finds Protocol – Historic Heritage

D28.D29. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

Waste Storage and Processing

[D29.D30](#). 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.

[D30.D31](#). All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

[D31.D32](#). 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.

[D32.D33](#). 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.

[D33.D34](#). 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

[D34.D35](#). The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

[D35.D36](#). Where relevant, if remediation is required for the site (as per requirements of condition [D5](#)), it must be carried out in accordance with a Remediation Action Plan (approved by a NSW EPA accredited Site Auditor) required by condition [D5](#) (where necessary) and the unexpected finds protocol required by condition [C16](#).

[D36.D37](#). If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).

[D37.D38](#). The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Independent Environmental Audit (for private projects only)

[D38.D39](#). Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

[D39.D40](#). Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

[D40.D41](#). The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 weeks' notice (or timing) to the applicant of the date upon which the audit must be commenced.

[D41.D42](#). 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 [D39](#) 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 of submission to the Planning Secretary, unless otherwise agreed with the Planning Secretary.

[D42.D43](#). 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.

[D43.D44](#). 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.

DRAFT

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

Notification of Occupation

- E1. At least one month before the occupation of the building, 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 any relevant occupation certificate, 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 [NCC](#).
- E3. The Applicant must provide to the Planning Secretary a copy of the documentation given to the Certifier within seven days after the Certifier accepts it.

Post-Construction Dilapidation Report – Protection of Public Infrastructure

- E4. Prior to the issue of any relevant occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition C3 of this consent;
 - have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
 - be submitted to the Certifier;
 - be forwarded to Council for information; and
 - be provided to the Planning Secretary when requested.

Repair of Public Infrastructure

- E5. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
 - relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
 - pay compensation for the damage as agreed with the owner of the public infrastructure.

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

Road Damage

- E6. Prior to the issue of any relevant occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Post-Construction Survey – Adjoining Properties

- E7. Where a pre-construction survey has been undertaken in accordance with condition C5, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:

- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition C5;
 - (b) be provided to the owner of the relevant buildings surveyed;
 - (c) be provided to the Certifier; and
 - (d) be provided to the Planning Secretary when requested.
- E8. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Utilities and Services

- E9. Prior to the issue of any relevant occupation certificate, 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*.
- E10. An electrical substation must be constructed within the site and all associated approvals obtained prior to the occupation of the building approved by this development consent, unless otherwise agreed with the Planning Secretary.

Roadworks and Access

- E11. Prior to the issue of any relevant occupation certificate or prior to the commencement of operation of the ELC (whichever occurs first) the Applicant must complete the installation of all traffic calming measures as required by condition [D3](#), unless otherwise agreed with Council's Local Traffic Committee and the Planning Secretary.

Note: The Applicant must obtain approval for the works under section 138 of the Roads Act 1993.

Works as Executed Plans

- E12. Prior to the issue of any relevant occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Green Travel Plan

- E13. Prior to the issue of any relevant occupation certificate at least one month prior to the commencement of operation of the building and the ELC (whichever occurs earlier), a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
 - (b) include objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c) be consistent with the objectives and mode share targets in the [GTP](#) prepared by Stantec dated 16 February 2022, as updated by the RtS, including but not limited to:
 - (i) short term (first three years) targets in table 6 of section 7 (target travel mode) for students and staff including increase in use of carpooling, increase in private bus use, increase of public and active transport, reduction of student driving (by at least 2% per year), overall reduction of staff/student/single child car usage in travelling to/from the school; and
 - (ii) long term (> three years) targets in table 7 of section 7 (target travel mode) for students and staff including increase in use of carpooling, increase in private bus use, increase of public and active transport, reduction of student driving (by at least 2% per year) and reduction of single child private vehicle usage to less than 10% by 2030 (approximately 2% per year);

- (d) include details of location of bicycle facilities and end-of-trip-facilities within the PLC campus;
- (e) include a Travel Access Guide (TAG);
- (f) include specific tools and actions to help achieve the objectives and mode share targets;
- (g) 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;
- (h) 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; and
- (i) be provided to TfNSW for information, after finalisation and approval by the Planning Secretary.

Operational Transport and Access Management Plan (OTAMP)

- E14. Prior to the issue of any relevant occupation certificate or at least one month prior to the commencement of operation of the development (whichever occurs earlier), an OTAMP must be prepared by a suitably qualified person, in consultation with Council, 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 access the site from the main campus entry points or Avon Road and the railway station;
 - (b) the location of all car parking spaces within the PLC campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
 - (c) the location and operational management procedures of the pick-up and drop-off parking located within Centenary Car park, including staff management/traffic controller arrangements;
 - (d) details to ensure that 37 car spaces are available for ELC use during the operating hours, within the Centenary Car park;
 - (e) details to ensure that 212 car spaces are available within the Centenary Car Park for use by visitors at all time and not by ELC users;
 - (f) include management measures for effective use of concurrent activities within the Centenary Car Park (such as the learn to swim classes, co-curricular school activities and ELC use);
 - (g) traffic marshals are implemented for proper management of pedestrian routes, school crossings and all formalised DOPU areas outside the school campus;
 - (h) access control arrangements are in place at the PLC campus entry from Grey House Walk and a marshal is present to ensure this access route use is not intensified in the future;
 - (i) provision of safe and accessible walking routes from the car park to the building;
 - (j) measures to minimise traffic congestion and illegal parking on Pymble Avenue to access the junior school;
 - (k) measures to discourage Year 12 students from driving to school to complement the GTP;
 - (l) car parking arrangements and management associated with the proposed use of the building by community members; and
 - (m) a monitoring and review program include a monitoring regime to review the effectiveness of the OTAMP on the pick-up and drop-off operations at Avon Road/Pymble Avenue in consultation with Council and police.

Operational Management Plan

- E15. Prior to the commencement of operation of the building, the Applicant must prepare an Operational Management Plan (OMP) for the development. The plan must [include](#):

- (a) measures to ensure all wayfinding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
- (b) measures to allow for the illumination and lighting of signage to be adjusted to ensure no adverse off-site glare or light spill impacts arise;
- (c) measures to manage the operation of the out-of-hours-care;
- (d) the operating hours of the school and the out-of-hours care;
- (e) measures to ensure that the following management strategies (including but not limited to) are incorporated to ensure appropriate noise management, in accordance with the recommendations of the *Noise Impact Assessment Report*, dated 11 October 2021 and prepared by Pulse White Noise Acoustics:
 - (i) restricting all dance activities with amplified music to be conducted internally within the dance studios;
 - (ii) closing all doors/windows of the school hall beyond 7pm;
 - (iii) completing all out-of-hours events by 10pm;
- (f) measures to ensure that all external doors and windows of dance studios are closed when conducting dance activities with amplified music; and
- (iii)(g) measures to ensure that all doors/windows of the building (in addition to the school hall) are closed beyond 7pm.

Commented [OIPC48]: Comment to the Department:
Note this wording comes from the NIA report – is it appropriate to amend here?

Commented [AC49R48]: Would you like to replace the word school hall with the entire building? In that case it should be amended via amending the NIA. Suggested amendment below.

Commented [AC50]: Suggest keeping this “and” as it relates to a different set of bullets.

Commented [OIPC51]: Comment to the Department:
The Panel’s intention in amending this condition to reduce noise impacts on adjoining neighbors during operation of the new building. Note that additional conditions (f) and (g) could potentially be incorporated into (e)(i) and (e)(ii) however, this would require amending the wording “in accordance with” regarding the NIA recommendations. Could the Department please advise on the most appropriate way to incorporate the Panel’s intended additions?

Commented [AC52R51]: Suggested amendments in track changes.

ELC Operational Plan

E16. Prior to the commencement of operation of the ELC, an operational plan for the use of the ELC must be submitted to the Certifier for approval and a copy submitted to the Planning Secretary for information. The operational plan must include:

- (a) details confirming the operating hours of the premises;
- (b) confirmation that outdoor play times are restricted to 2.5 hours with a buffer of 1.5 hours for additional activities on a typical weekday;
- (c) access control measures for the ELC children and separation from the school use.

Mechanical Ventilation

E17. Prior to the issue of the occupation certificate, 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

E18. Prior to the issue of any relevant occupation certificate, a suitably qualified acoustic consultant must certify that to the Certifier the design related noise mitigation recommendations in the *Noise Impact Assessment* dated 11 October 2021 and prepared by Pulse White Noise Acoustics and as required by condition B1, have been incorporated.

Fire Safety Certification

E19. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

E20. Prior to the issue of any relevant occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of

final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Compliance with Food Code

E21. Prior to the issue of any relevant occupation certificate, 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

E22. Prior to the issue of the occupation certificate, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the SOMP. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:

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

Warm Water Systems and Cooling Systems

E23. 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

E24. Prior to the issue of any relevant occupation certificate, 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

E25. Prior to the any relevant occupation certificate, way-finding signage and signage identifying the location of ELC car parking must be installed.

Operational Waste Management Plan

E26. Prior to the any relevant occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site; and

- (d) include the Management and Mitigation Measures included in EIS.

Site Contamination

- E27. If, based on further site investigations undertaken in accordance with condition [D5](#), it is determined that ongoing on-site management of soil or groundwater contamination is required, then the following requirements must be satisfied, prior to the issue of the any relevant occupation certificate for proposed works that would result in ground disturbance:
- the Applicant must engage an NSW EPA-accredited Site Auditor to confirm the appropriateness of the site for the proposed use. The Applicant must obtain from a NSW EPA-accredited Site Auditor a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a certified consultant and submit it to the Planning Secretary and relevant Council for information prior to the issue of the relevant occupation certificate or the commencement of operation (whichever occurs earlier);
 - the development must not be used for the purpose approved under the terms of this consent until a Site Audit Statement determines the land is suitable for that purpose and any conditions on the Site Audit Statement have been complied with.

Landscaping

- E28. Prior to the issue of any relevant occupation certificate, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition [A2](#) as amended by condition [B3](#).
- E29. Prior to the issue of any relevant occupation certificate for landscaping works on the site, the Applicant must confirm that all native juvenile plants to be retained, have been relocated.
- E30. Prior to the issue of any relevant occupation certificate for landscaping works on the site, the Applicant must confirm that [the tree and understory species, which are planted along the south-eastern boundary to maintain visual privacy in the future are consistent with Blue Gum High Forest](#). The replacement planting must be of advanced species and in suitable pot sizes.
- E31. Prior to the issue of any relevant occupation certificate for landscaping works on the site, the Applicant must demonstrate to the satisfaction of the Certifier that [at least 37](#) replacement trees are planted within the site.
- E32. Prior to the issue of any relevant occupation certificate for landscaping works, 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:
- describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
 - be consistent with the mitigation and post construction management measures identified in the VMP in condition [C37](#).
- E33. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the satisfaction of the Certifier.

Installation of artwork

- E34. Artwork proposed as part of the proposal must reflect the Connection with Country principles. Prior to the installation of artworks, satisfactory evidence must be demonstrated to the Certifier that the artwork has been prepared in consultation with Uncle Laurie Bimson per the recommendations of the RtS.

PART F POST OCCUPATION

Operational Hours and Details

- F1. The operational hours of the premises are restricted to:
- (a) ELC: 7am-6:30pm Monday to Friday;
 - (b) general operations of the building including school activities: 7:30am – 5:30pm Monday to Friday;
 - (c) out-of-hours-care: 6:45am-8am and 3pm-7pm Monday to Friday, with holiday program between 7:30am-6pm Monday to Friday;
 - (d) dance academy: 6:30am-8am and 3pm-6:30pm Monday to Friday, and 7am-12pm Saturdays; and
 - (e) use of outdoor play area within restricted to a maximum of 2.5 hours on a typical day.

Out of Hours Event Management Plan

- F2. Prior to the commencement of the first out of hours events (school use) within the site (as defined in Schedule 1 of this consent) run by the school that involves 100 or more people, the Applicant must prepare an Out of Hours Event Management Plan (School Use) in consultation with Council [and the CCC](#), and submit it to the Council and Planning Secretary for information. The plan must be made publicly available on the school's website at least one week prior to the event and include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) details of restricting use before 8am and after 10pm, as well as ensuring that attendees of events have left the site before 10pm;
 - (f) details of restricting use of external terraces for out-of-hours events;
 - (g) measures to minimise localised traffic and parking impacts; and
 - (h) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan to ensure compliance with *Noise Policy for Industry* (2017).
- F3. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.
- F4. Prior to the commencement of out of hours events (community use) within the site (as defined in Schedule 1 of this consent) run by the external parties that involve 100 or more people, the Applicant must prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to Council for information. The plan must be made publicly available on the school's website at least one week prior to the event and include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e., public transport);
 - (a) details of restricting use before 8am and after 10pm, as well as ensuring that attendees of events have left the site before 10pm;
 - (b) details of restriction use of any external terraces;
 - (c) measures to minimise localised traffic and parking impacts; and

- (d) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan to ensure compliance with Noise Policy for Industry (2017).

F5. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

Alternate DOPU zones

F6. Within 12 months of commencement of operation of the development, the Applicant must provide suitable evidence to the Planning Secretary that consultation has been undertaken with Council and where required alternate DOPU zones on the nearby streets have been implemented to reduce traffic congestion on Pymble Avenue.

Operation of Plant and Equipment

F7. 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

F8. 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

F9. 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)

F10. The OTAMP(s) approved under condition E14 as revised from time to time must be implemented by the Applicant for the life of the development.

Operational Noise Limits

- F11. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in *Noise Impact Assessment Report*, dated 11 October 2021 and prepared by Pulse White Noise Acoustics.
- F12. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* 2017 where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development (as applicable) to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in *Noise Impact Assessment Report*, dated 11 October 2021 and prepared by Pulse White Noise Acoustics.

F13. Noise levels associated with mechanical plant and ventilation systems installed on the premises must not be audible within any habitable room in any neighbouring residential premises before 7am and after 10pm. Outside of these restricted hours noise levels associated with mechanical plant and ventilation systems installed on the premises either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

F13.F14. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

F14.F15. 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,

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Comment recommended by Council and accepted by the Panel

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The Department suggests that F11 be retained and F13 deleted or combined with F11.

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

F15.F16. The Green Travel Plan required by condition E13 of this consent must be updated annually and implemented.

F16.F17. Within 12 months of commencement of operation of the development (and the implementation of the Green Travel Plan) and then for following 5 consecutive years (at 12 months interval starting from the first year), the Applicant must provide, to the satisfaction of the Planning Secretary, evidence that the:

- (a) Green Travel Plan has been implemented and that the proposed yearly targets of mode share have been achieved; or
- (b) alternative mode share targets have been agreed with the Planning Secretary and implemented; and
- (c) reduction in the car usage to the school campus has been achieved.

Ecologically Sustainable Development

F17.F18. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification or equivalent must be obtained demonstrating the development achieves a minimum 5-star Green Star Design & As Built rating or equivalent target. 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 **C12**, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

F18.F19. Notwithstanding condition E24, 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 and Vegetation Management

F19.F20. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E32 and the recommended measures in the VMP, for the duration of occupation of the development.

Discharge Limits

F20.F21. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

School Zones

F21.F22. All School Zone signage, speed management signage and pavement markings along Avon Road, must be maintained as currently installed.

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

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

Legal Notices

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

Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the [BC Requirements of the 'Accessibility Review Report' prepared by Morris Goding Access Consulting dated 19/07/2021 and the 'Statutory Requirements' referenced therein, and the NCC](#). Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services

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

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

Road Occupancy Licence

AN7. 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

AN8. 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

AN9. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN10. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Speed limit authorisation

AN11. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;
- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
 - (i) accurate Site boundaries;

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Comment recommended by Council and accepted by the Panel.

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- (ii) details of all road reserves, adjacent to the Site boundaries;
- (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
- (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
- (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
- (vi) all existing and proposed street furniture and street trees.

Fire Safety Certificate

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A28 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.