

Development Consent

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

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

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3; and
- (b) that pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979*, any subsequent stage of the development not being for the purpose of an educational establishment with a capital investment value in excess of \$20 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

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

Peter Duncan AM
Member of the Commission

Adrian Pilton
Member of the Commission

Sydney

6 May 2021

SCHEDULE 1

Application Number:	SSD-10352
Applicant:	Moriah War Memorial College Association
Consent Authority:	Independent Planning Commission
Land:	101 York Road and 1 & 3 Queens Park Road, Queens Park (Lot 22 in DP 879582 and Lots 1 & 3 in DP 701512)
Development:	Concept development application for the staged redevelopment of Moriah College.
	<u>Concept Proposal:</u>
	• demolition of buildings, tree removal and earthworks; • removal of 84 car parking spaces; • building envelopes for a new:

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- Science, Technology, Engineering, Art and Mathematics (STEAM) and Independent Learning Centre (ILC) building; and
- Early Learning Centre (ELC) building;
- creation of a 103 on-site car parking spaces;
- enhanced vehicle and pedestrian access and road network connections;
- on-site drop-off and pick-up area for the senior school and ELC;
- improved sporting and recreation facilities;
- landscape master plan;
- vegetation management plan (VMP);
- signage and boundary walls; and
- an additional 290 students over a 15-year period.

Stage 1:

- staged demolition of school buildings, demountable structures and hardstand areas;
- removal of trees and bulk earthworks;
- construction of a part three-storey and part-four storey STEAM and ILC building;
- creation of 93 car parking spaces and 160 bicycle parking spaces;
- improved vehicle and pedestrian access and new on-site drop-off and pick-up area for the senior school and ELC;
- new active recreation zone;
- signage, lighting and boundary walls;
- implementation of a VMP and landscape master plan;
- intersection upgrades; and
- an additional 160 students.

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

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SUMMARY OF MODIFICATIONS

APPLICATION NUMBER	DETERMINATION DATE	DECIDER	MODIFICATION DESCRIPTION
SSD-10352-MOD-1	28 July 2025	A/Director	Modifications To Concept and Stage 1 Built Form, Access Arrangements and Landscaping
SSD-10352-MOD-2	28 May 2026	Team Leader	Modifications To Stage 1 Built Form, Landscaping, and Stormwater.

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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>
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Moriah War Memorial College Association or any other person carrying out any development to which this consent applies
Conditions of this consent	The conditions contained in Schedule 2 and Schedule 3 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, landscaping and erection of buildings and other infrastructure permitted by this consent, but excluding the following: • building and road dilapidation surveys; • investigative drilling, investigative excavation or Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
CPMP Trust	Centennial Park and Moore Park Trust
Council	Waverley Council
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
ESBS	Eastern Suburbs Banksia Scrub
EES Group	The Environment, Energy and Science Group of the Department of Planning, Industry and Environment
EIS	The Environmental Impact Statement titled <i>Moriah College State Significant Development 10352 Environmental Impact Statement</i> , prepared by Urbis Pty Ltd, dated November 2019, 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
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
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

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Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in the EIS
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
PoM	Plan of Management
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
RtS	The Applicant's Response to Submissions report titled <i>Response to Submissions SSD 10352 Moriah College Staged Redevelopment</i> , prepared by Urbis Pty Ltd and dated 12 June 2020
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The site as described at Schedule 1
Site Auditor	As defined in section 4 of the Contaminated Land Management Act 1997
Site Audit Report	As defined in section 4 of the Contaminated Land Management Act 1997
Site Audit Statement	As defined in section 4 of the Contaminated Land Management Act 1997
SEPP Education	<i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>
Supplementary RtS	The Applicant's Supplementary Response to Submissions report titled <i>Supplementary Response to Submissions SSD 10352 Moriah College Staged Redevelopment</i> , prepared by Urbis Pty Ltd and dated December 2020
TfNSW	Transport for New South Wales
VMP	Vegetation Management Plan prepared by Cumberland Ecology and dated 23 September 2020
VMP Area	The area of the site as shown on Figure 1 in Appendix 3
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

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SCHEDULE 2

CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

PART A ADMINISTRATIVE CONDITIONS

Determination of Future Applications

- A1. In accordance with section 4.22(4) of the EP&A Act all development under the concept proposal must be the subject of future development application(s), other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3.
- A2. The determination of future development application(s) is to be not inconsistent with the terms of development consent SSD-10352 as described in Schedule 1 and subject to the conditions in Parts A and B, Schedule 2.

Terms of Consent

- A3. The development (other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3) may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS, RtS and Supplementary RtS, [SSD-10352-Mod-1](#); and [SSD-10352-Mod-2](#);
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by fic studio			
Dwg No.	Rev	Name of Plan	Date
DA-1206	G	Site Plan – Phase 2 Complete	13/02/26
DA-1207	G	Site Plan – Stage 1 Envelope Plan	20/11/24
DA-1208	F	Site Plan – Stage 1 Envelope Massing	20/11/24
DA-1209	H	Site Plan – Stage 2 Envelope Plan	13/02/26
DA-1210	H	Site Plan – Stage 2 Envelope Massing	13/02/26
DA-2068	D	Detailed Staging and Demolition – Stage 2.2 Demolition	13/02/26
DA-2069	D	Detailed Staging and Demolition – Stage 2.3 Future Stage 2 Envelope	13/02/26
DA-2012	A	Staging & Demolition Plans – Demolition Plan – All Stages	10/12/20
Landscape drawings prepared by 360 Degrees			
Dwg No.	Rev	Name of Plan	Date
L-DA-11	L	Stage 2 – Landscape Masterplan	20/01/26
L-DA-25	N	Stage 2 – Tree Species Masterplan	28/04/26
L-DA-32	N	Planting Palette – Early Learning Centre	28/04/26
L-DA-33	N	Planting Palette – Eastern Suburbs Banksia Shrub Buffer	28/04/26

- A4. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A5. 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 A3. In

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the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A3, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A6. This consent lapses five years after the date of consent unless works have physically commenced within the meaning of section 4.53(4) of the EP&A Act.
- A7. This approval does not allow any components of the concept proposal to be carried out without further approval or consent being obtained from the relevant consent authority (other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3).

Student and Staff Numbers

- A8. The maximum student and staff population permitted at the school at any one time must not exceed the total student and staff numbers provided in the table below, for each relevant stage:

Stage	ELC students	Primary students	Senior students	Total students	Primary School and High School staff	ELC staff	Total staff
Prior to the completion of Stage 1	80	654	946	1,680	276	10	286
At Stage 1 completion and not prior to 1 January 2023	80	720	1,040	1,840	293	10	303
At Stage 2 completion and not prior to 1 January 2030	130	736	1,064	1,930	298	13	311
At Stage 2 completion and not prior to 1 January 2036	130	752	1,088	1,970	302	13	315

- A9. Prior to any increase of the student population beyond Stage 1, the Applicant must submit to the satisfaction of the Planning Secretary the results of an independent audit to verify the success of the Green Travel Plan (GTP) required to be prepared under condition D12 of Schedule 3.
- A10. No increase of the student population is permitted beyond Stage 1 (maximum of 1,840 students) unless the independent audit to verify the success of the GTP required under condition A9 confirms that a 10% modal shift away from private car use for the school has been achieved.

Planning Secretary as Moderator

- A11. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Legal Notices

- A12. Any advice or notice to the consent authority must be served on the Planning Secretary.

3D Model

- A13. The Applicant must liaise with Council to determine whether the preparation of an accurate 'as built' 3D digital model of the development is required by Council.
- A14. In the event that the 3D model is required, it must be submitted to the satisfaction of Council's Digital Urban Designer prior to the issue of an Occupation Certificate. The digital model will be inserted into the Waverley Digital Model, and must comply with the requirements outlined on Council's website at:

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https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modeling

ADVISORY NOTES

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

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PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Building Design

- B1. All future development applications for any new built form must include:
- (a) detailed plans, elevations and sections;
 - (b) an Urban Design Report including artist's perspectives and photomontages;
 - (c) a Design Statement demonstrating the design quality of the proposed development having regard to the existing buildings on site, the character of surrounding development and the design quality principles in Schedule 4 of the State Environmental Planning Policy Educational Establishments and Child Care Facilities) 2017; and
 - (d) a Crime Prevention Through Environmental Design (CPTED) assessment, which details measures to maximise the safety of students, staff and the public.
- B2. All future built form must be contained wholly within the approved building envelopes, illustrated in the approved plans referenced at Schedule 2, Condition A3.

Aboriginal Heritage

- B3. Where relevant, all future development applications for demolition and/or any new built form must be accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR) which considers any potential impacts on Aboriginal archaeology. The ACHAR must consider the results of the subsurface archaeological test excavations required to be carried out under condition E22 at Schedule 3 and recommend if any additional test excavations are required.

Heritage

- B4. Where relevant, all future development applications for demolition and/or any new built form must be accompanied by a Heritage Impact Statement.

Landscaping

- B5. All future development applications must include:
- (a) detailed landscape plans identifying the vegetation to be removed or relocated, and the location of replacement plantings and additional landscaping. The plans must:
 - (i) be prepared in consultation with Council and EES Group;
 - (ii) be generally in accordance with the Stage 2 – Landscape Masterplan (Rev L) prepared by 360 Degrees, dated 20 January 2026 and submitted with SSD-10352- Mod-2 and the Landscape Plan required to be prepared under Condition D8;
 - (iii) include relevant details of the species to be planted (including ESBS species) and the landscape treatments, including any pavement and seating areas; and
 - (iv) consider opportunities for the inclusion of green roofs as part of new buildings.

Amenity

- B6. All future development applications must include an assessment of amenity impacts including solar access (including detailed overshadowing diagrams), visual privacy, view loss and light spill (including a lighting plan).

Ecologically Sustainable Development

- B7. All future development applications must demonstrate how the principles of Ecologically Sustainable Development have been incorporated into the design, construction and on-going operation of the new buildings.

Childcare Centre Use

- B8. Any future development application for a new ELC must demonstrate that the development has been designed in accordance with the requirements of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, the associated standards and guidelines contained within the *Child Care Planning Guideline (2017)* and the relevant controls in the *Waverley Development Control Plan 2012*.

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Disability Access

- B9. All future development applications for any new built form must be accompanied by a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the Disability (Access to Premises - buildings) Standards 2010 (the Premises Standards).

Noise and Vibration

- B10. All future development applications for demolition and/or any new built form must be accompanied by a Noise and Vibration Impact Assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities at all stages of construction, and any noise sources during operation. Details are to be provided outlining any mitigation measures to ensure the amenity of adjoining sensitive receivers are protected throughout the construction and operational periods.

Contamination

- B11. All future development applications for demolition and/or any new built form must be accompanied by a Detailed Site Investigation Report, including an assessment of potential site contamination and requirements for a Remedial Action Plan (RAP).
- B12. Should the investigations required by condition B11 identify that remediation works are required, a RAP is to be prepared and approved by a NSW EPA accredited Site Auditor to confirm that the RAP is appropriate.

Traffic, Access and Car Parking

- B13. All future development applications for demolition, new built form or to increase the student population must be accompanied by:
- (a) a detailed assessment of the traffic and transport impacts associated with the construction and operation of the proposed development including the functioning of the drop-off and pick up areas;
 - (b) a copy of the independent audit required by condition A9 under Schedule 2 to verify the success of the Stage 1 GTP including the achievement of a 10% modal shift away from private car use for the school;
 - (c) an updated GTP including the measures to further reduce private car use, if required;
 - (d) an Operational Transport and Access Management Plan or updated Moriah College Traffic, Transport and Parking Plan; and
 - (e) a Road Safety Audit.
- B14. All future development applications for demolition and/or any new built form must be accompanied by a preliminary Construction Traffic and Pedestrian Management Plan (CTPMP) detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures. The CTMP must include an updated Construction Worker Transportation Strategy (CWTS) to mitigate the impacts of construction workers utilising on-street parking in the locality.

Geotechnical

- B15. All future development applications for demolition and/or any new built form must be accompanied by a detailed Geotechnical Assessment Report which details the proposed mitigation measures during excavation works to control impacts due to vibration or changes to groundwater during construction including on the VMP area and adjoining properties (including the ESBS conservation area on Lot 23 in DP 879582).

Waste

- B16. Where relevant, all future development applications must be accompanied by a Waste Management Plan to address storage, collection, and management of waste and recycling generated by the development.

Utilities

- B17. Where relevant, all future development applications must address the existing capacity and any augmentation requirements of the development on the provision of utilities, including staging of

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infrastructure through the preparation of an Infrastructure Management Plan in consultation with relevant agencies and service providers.

Community Consultation and Engagement

- B18. Where relevant, all future development applications must include the implementation of a Community Consultation and Engagement Plan which:
- (a) describes and justifies the selected consultation strategy;
 - (b) provides clear evidence of how each stakeholder identified has been consulted;
 - (c) details of the issues raised by the community and surrounding landowners and occupiers; and
 - (d) clear details of how issues raised during consultation have been addressed and whether they have resulted in changes to the development.

Stormwater

- B19. Where relevant, all future development applications must be accompanied by:
- (a) a Stormwater Management Plan detailing an assessment of any flood risk on site and consideration of any relevant provisions of the NSW Floodplain Development Manual 2005, stormwater and drainage infrastructure and details demonstrating that Water Sensitive Urban Design measures have been incorporated into the development; and
 - (b) a Stormwater Concept Plan which identifies measures to ensure stormwater is collected and discharged in a manner which does not impact on the VMP area or Lot 23 in DP 879582.

Moriah College Plan of Management

- B20. Where relevant, all future development applications must include an updated Moriah College Plan of Management that is consistent with the requirements in condition G30 under Schedule 3.

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SCHEDULE 3 CONDITIONS OF CONSENT FOR STAGE 1 DEVELOPMENT PART C ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- C1. 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

- C2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS, RtS, Supplementary RtS, [SSD-10352-Mod-1](#); and [SSD-10352-Mod-2](#) and;
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by fjc studio			
Dwg No.	Rev	Name of Plan	Date
DA-1205	J	Site Plan – Phase 1 Complete	13/02/26
DA-1206	G	Site Plan – Phase 2 Complete	13/02/26
DA-2051	D	Stage 0.1 – Demolition of Stage 0.1	13/02/26
DA-2052	D	Stage 0.1 – Completion of Stage 0.1	13/02/26
DA-2056	D	Stage 1.1 – Demolition Stage 1A & 1B	13/02/26
DA-2058	D	Stage 1.2 - Completion of Stage 1A & 1B	13/02/26
DA-2061	D	Stage 1.3 - Demolition of Stage 1C & 1D	13/02/26
DA-2063	D	Stage 1.4 - Completion of Stage 1C & 1D	13/02/26
DA-2101	R	General Arrangements Plans – Lower Ground	13/02/26
DA-2102	R	General Arrangements Plans – Upper Ground	13/02/26
DA-2103	N	General Arrangements Plans – First Floor	13/02/26
DA-2104	M	General Arrangements Plans – Second Floor	13/02/26
DA-2105	M	General Arrangements Plans – Third Floor	13/02/26
DA-2106	K	General Arrangements Plans – Roof Plan	13/02/26

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DA-2201	<u>C</u>	Detail General Arrangement Plans – New Ausgrid Access	<u>13/02/26</u>
DA-2202	<u>E</u>	Detail General Arrangement Plans — Early Learning Centre – Ground Plan	<u>13/02/26</u>
DA-2203	<u>E</u>	Detail General Arrangement Plans — Early Learning Centre – Roof Plan	<u>13/02/26</u>
DA-2301	<u>I</u>	GFA/GBA Plans – Lower Ground	<u>13/02/26</u>
DA-2302	<u>I</u>	GFA/GBA Plans – Upper Ground	<u>13/02/26</u>
DA-2303	<u>I</u>	GFA/GBA Plans – First Floor	<u>13/02/26</u>
DA-2304	<u>I</u>	GFA/GBA Plans – Second Floor	<u>13/02/26</u>
DA-2305	<u>I</u>	GFA/GBA Plans – Third Floor	<u>13/02/26</u>
DA-3001	<u>J</u>	Elevations 1:250 – East & North Elevation	<u>13/02/26</u>
DA-3002	<u>J</u>	Elevations 1:250 – South & West Elevation	<u>13/02/26</u>
DA-4001	<u>I</u>	Long Sections	<u>13/02/26</u>
DA-4002	<u>I</u>	Short Sections	<u>13/02/26</u>
DA-4200	<u>E</u>	Eastern Facade – FT02A	<u>13/02/26</u>
DA-9400	<u>G</u>	Exterior Finishes Board	<u>13/02/26</u>
Landscape drawings prepared by 360			
Dwg No.	Rev	Name of Plan	Date
L-DA-10	<u>L</u>	Stage 1 – Landscape Masterplan	<u>20/01/26</u>
L-DA-12	<u>L</u>	Sections	<u>20/01/26</u>
L-DA-13	<u>L</u>	Central Lawn – Detailed Landscape Plan	<u>20/01/26</u>
L-DA-15	<u>L</u>	Active Courts – Detailed Landscape Plan	<u>20/01/26</u>
L-DA-17	<u>L</u>	Reflection Garden – Detailed Landscape Plan	<u>20/01/26</u>
L-DA-19	<u>L</u>	Building + Atrium Gardens – Detailed Landscape Plan	<u>20/01/26</u>
L-DA-25A	<u>N</u>	Stage 1 – Tree Species Masterplan	<u>28/04/26</u>
L-DA-26	<u>N</u>	Planting Palette – Reflection Garden	<u>28/04/26</u>
L-DA-27	<u>N</u>	Planting Palette – Reflection Garden (cont)	<u>28/04/26</u>
L-DA-28	<u>N</u>	Planting Palette – Central Lawn & Walkways	<u>28/04/26</u>
L-DA-29	<u>N</u>	Planting Palette – Sports Courts & Terraces	<u>28/04/26</u>
L-DA-30	<u>N</u>	Planting Palette – Street Front, Entries & Building Courtyard	<u>28/04/26</u>
L-DA-31	<u>N</u>	Planting Palette – Roof Terrace	<u>28/04/26</u>
L-DA-33	<u>N</u>	Planting Palette – Eastern Suburbs Banksia Shrub Buffer	<u>28/04/26</u>

- C3. 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,

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

- (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- C4. 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 C2(c) or C2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition C2(c) or C2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- C5. This consent lapses five years after the date of consent unless work is physically commenced within the meaning of section 4.53(4) of the EP&A Act.

Student Numbers

- C6. A maximum of 1,840 students are permitted at the school at any one time, to be comprised of a maximum of:
- (a) 80 Early Learning Centre students;
 - (b) 720 primary school students; and
 - (c) 1,040 secondary school students.
- C7. Any further increase of the school population, beyond the maximum number of students permitted in condition C6, is subject to the requirements in conditions A9 and A10.

Modification of Consents

- C8. The Applicant must modify the development consents and approvals listed in the table below, pursuant to section 4.17(1)(b) of the EP&A Act, prior to the commencement of works of Stage 1. The modifications must ensure that:
- (a) any existing school infrastructure is removed or modified to ensure it is not located within the VMP area (shown in Appendix 3 of this consent); and
 - (b) stormwater flows are directed away from the VMP area and Lot 23 in DP 879582.

DA Number	Determination Date	Consent Authority	Description
DA163/2017	22 November 2017	Waverley Council	Conversion of existing building to ELC
DA 71/2018	14 May 2018	Waverley Council	Removal of existing building and replacement with new single storey building and associated new landscaping

- C9. Prior to the commencement of operation for Stage 1, the Applicant must to the satisfaction of Council and the Planning Secretary modify any existing development consents and approvals that relate to the site that are identified as being inconsistent with the conditions of this consent, pursuant to section 4.17(1)(b) of the EP&A Act. The modifications must ensure that a condition is inserted specifying that any provision of each of the modified development consents and approvals does not authorise or require anything that is inconsistent with the conditions under Schedule 3 of this development consent. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict.

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Prescribed Conditions

C10. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Planning Secretary as Moderator

C11. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Evidence of Consultation

C12. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

Staging

C13. 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).

C14. A Staging Report prepared in accordance with condition C13 must:

- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
- (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
- (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
- (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

C15. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.

C16. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

C17. 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

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- 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).
- C18. Any strategy, plan or program prepared in accordance with condition C17, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- C19. 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.
- C20. 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

- C21. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

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

External Walls and Cladding

- C22. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- C23. 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.
- C24. 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

- C25. 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

- C26. 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:

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- (i) the documents referred to in condition C2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

Compliance

C27. 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

C28. 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.

C29. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

C30. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

C31. 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.

C32. 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

C33. Within three months of:

- (a) the submission of a compliance report under condition C35;
- (b) the submission of an incident report under condition C29;
- (c) the submission of an Independent Audit under condition F35;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition C2 which requires a review,

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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.

- C34. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

Compliance Reporting

- C35. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- C36. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- C37. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- C38. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

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PART D PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Certified Drawings

- D1. Prior to the issue of a construction certificate, the Applicant must submit to the satisfaction of the Certifier, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

External Walls and Cladding

- D2. Prior to the issue of a construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Stormwater Management System

- D3. Prior to the issue of a construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the **drawings DAC3001 (Rev 04), DAC3002 (Rev 04) and DAC7001 (Rev 04) prepared by Northrop, and dated 11 November 2024;**
 - (c) be designed in consultation with Council and in accordance with the Waverley Council Water Management Technical Manual, July 2014, including details of the on-site detention (OSD) system; and
 - (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.

Operational Noise – Design of Mechanical Plant and Equipment

- D4. Prior to the issue of any construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the *Noise & Vibration Impact Assessment for SSDA (SSD 10352) – Moriah College Redevelopment, Queens Park* dated 14 October 2019 and prepared by JHA, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels.

Car Parking and Service Vehicle Layout

- D5. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
 - (b) a minimum of 93 on-site car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
 - (c) the swept path of the longest vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2.

Bicycle Parking and End-of-Trip Facilities

- D6. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- a) the provision of a minimum 160 bicycle parking spaces outlined in plans listed in condition C2;

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- b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and;
- c) the provision of end-of-trip facilities for staff.

Vegetation Management Plan

- D7. Prior to the commencement of construction, the Applicant must prepare a revised Vegetation Management Plan (VMP) to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared in consultation with Council and EES Group;
 - (b) include procedures to demonstrate how plants and seeds of local ESBS provenance are to be obtained and used in the VMP area;
 - (c) be consistent with, and not compromise the objectives and methods of the *Centennial Parklands and York Road Eastern Suburbs Banksia Scrub Vegetation Management Plan*, prepared by WSP on behalf of the CPMP Trust and dated November 2018;
 - (d) ensure any provisions are consistent with the conditions of previous development approvals issued by the Commonwealth, NSW State government and Council that relate to protection and conservation of ESBS on the site and on adjoining Lot 23 in DP 879582, including (but not limited to) the following development consents and approvals:
 - (i) LD 282/00 issued by Waverley Council on 22 May 2001;
 - (ii) EPBC 2002/575 issued by the Commonwealth Government on 25 October 2002;
 - (iii) EPBC 2004/1676 issued by the Commonwealth Government on 20 August 2004; and
 - (iv) DA 446-10-2003 issued by the Minister for Infrastructure and Planning on 21 October 2004.
 - (e) include conservation management measures relating to the endangered Maroubra Woodland Snail (*Meridolum maryae*).

Landscaping

- D8. Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site outside of the VMP area, to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared in consultation with Council and EES Group;
 - (b) include substantial and at least semi-mature plantings along the Baronga Avenue and York Road frontages within the site;
 - (c) detail the location, species and height at maturity of plants to be planted on-site;
 - (d) provide for suitable growing conditions to support long term plant health and viability;
 - (e) include a mix of native species and ESBS species (trees, shrubs and groundcovers);
 - (f) include the provision of street tree planting, with the species and spacing of trees to be determined in consultation with Council; and
 - (g) include the provision of nest boxes suitable to native fauna likely to use the site.

Public Domain Works

- D9. Prior to the issue of a construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

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

Roadworks and Access

- D10. Prior to the issue of construction certificate for roadworks and access, the Applicant must submit design plans to the satisfaction of Council which demonstrate the proposed accesses to the development are designed to accommodate the turning path of a 12.5m Long Rigid Vehicle.

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- D11. Prior to the issue of a construction certificate for alterations to the Baronga Avenue pedestrian crossing, a Road Safety Audit (RSA) must be undertaken by an independent TfNSW accredited road safety auditor. Any safety measures proposed in the RSA must be implemented in the final design plans.

Green Travel Plan

- D12. Prior to the issue of a construction certificate, 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, TfNSW, and State Transit Authority;
 - (b) include objectives and modes share targets including a 10% modal shift away from private car use (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c) include specific tools and actions to help achieve the objectives and mode share targets;
 - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
 - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
- D13. The GTP approved by the Planning Secretary under condition D12 must be implemented for the existing school prior to the commencement of construction.

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PART E PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

- E1. The Applicant must notify the Planning Secretary and Council in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- E2. If the construction or operation of the development is to be staged, the Planning Secretary and Council 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.

Protection of Public Infrastructure

- E3. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- E4. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report **and a closed-circuit television (track mounted camera footage) report on the adjacent stormwater drainage infrastructure** to Council and the Certifier. The report must provide an accurate record **(including use of but not limited to closed-circuit television monitoring reports)** of the existing condition of adjoining private properties, and Council **stormwater and/or public domain** assets that are likely to be impacted by the proposed works.

Pre-Clearance Survey

- E5. A pre-clearance survey for native fauna must be undertaken by a suitably qualified ecologist in all areas of vegetation on the site that is required to be cleared within one week of any clearing activities commencing and immediately prior to any clearing of vegetation commencing on the site. Any resident native fauna found during the pre-clearance surveys should be appropriately captured by a licensed wildlife carer prior to any clearing commencing and relocated in a sensitive manner to appropriate nearby habitat locations under the supervision of a qualified ecologist/licensed wildlife handler.
- E6. A qualified ecologist/licensed wildlife handler must be present on site during the clearing of any vegetation. Any resident native fauna found during the clearing should be appropriately captured by a licensed wildlife carer and relocated in a sensitive manner to appropriate nearby habitat locations under the supervision of a qualified ecologist/licensed wildlife handler.

Development Contributions

- E7. Prior to the commencement of construction for any part of the development, development contributions must be paid to Council under section 7.12 of the EP&A Act and in accordance with the Waverley Council Development Contributions Plan 2006.

Note: There are approval requirements for imposing a condition under section 7.12 in respect of land within a special contributions area.

Community Consultative Committee

- E8. Prior to the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2016). The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.

Notes:

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

Community Communication Strategy

- E9. No later than two 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, residents in Queens Park and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

Demolition

- E10. 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 and Planning Secretary.

Environmental Management Plan Requirements

- E11. 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

- E12. 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. 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;

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- (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; and
 - (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by condition E9.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition E14);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition E15);
 - (d) Construction Waste Management Sub-Plan (see condition E16);
 - (e) Construction Soil and Water Management Sub-Plan (see condition E17);
 - (f) an unexpected finds protocol for contamination and associated communications procedure;
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
 - (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- E13. 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.
- E14. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Waverley Council, Randwick City Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- E15. 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) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition E15(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition E11.
- E16. The Construction Waste Management Sub-Plan (CWMSP) 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.

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- E17. The Construction Soil and Water Management Sub-Plan (CSWMSP) must address, but not be limited to:
- (a) be prepared by a suitably qualified expert, in consultation with Council and the CPMP Trust;
 - (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 specific controls to protect the VMP area and the ESBS on Lot 23 in DP 879582 including:
 - (i) contractor induction to make construction workers aware of the sensitive site;
 - (ii) temporary site fencing to include dust fence along the length of Lot 23 in DP 879582 boundary;
 - (iii) diverting all stormwater away from Lot 23 in DP 879582;
 - (iv) no stockpiling within 10m of Lot 23 in DP 879582; and
 - (v) monitoring boundaries to avoid build-up of sediment adjacent to Lot 23 in DP 879582.
 - (d) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - (e) detail all off-site flows from the site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to the 1 in 5-year ARI.
- E18. 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.

Soil and Water

- E19. Prior to the commencement of construction, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

Construction Worker Transportation Strategy

- E20. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy (CWTS) to the satisfaction of the Planning Secretary. The CWTS must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for construction worker parking in nearby public and residential streets or public parking facilities, including:
- (a) detailed arrangements designed to minimise the car parking demand for construction workers in the locality including within the Queens Park residential area;
 - (b) options to secure off-site car parking on a temporary basis (such as a leasing arrangement) for the duration of construction, where practicable; and
 - (c) arrangements to effectively manage and monitor construction parking issues that may occur once construction works have commenced.

Intersection Works

- E21. Prior to the commencement of construction, the Applicant must submit detailed design plans for approval by Council for the intersection upgrades at the Queens Park Road / York Road intersection and at the York Road / Baronga Avenue intersection. In preparing these plans, the Applicant must consider inclusion of a separate left turn lane at the Queens Park Road / York Road intersection.

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Aboriginal Heritage

E22. Following the demolition and removal of buildings and prior to the erection of any new buildings and other infrastructure permitted by this consent, archaeological monitoring and sub-surface test excavation must be undertaken to confirm the presence or absence of Aboriginal objects and archaeological resources within the site by appropriately qualified archaeologists with the participation of the nominated Registered Aboriginal Parties in accordance with an Archaeological Research and Design Methodology, which is to include:

- (a) a geomorphological assessment to investigate the underlaying sand body;
- (b) monitoring protocols for all demolition phases; and
- (c) protocols for handling of any Aboriginal objects and archaeological resources that might be uncovered during excavations.

Construction and Demolition Waste Management

E23. Prior to the commencement of the removal of any construction and demolition waste material from the site, the Applicant must notify the TfNSW (RMS) Transport Management Centre of the construction vehicle route(s) to be followed by trucks transporting waste material from the site.

Outdoor Lighting

E24. 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.

Ecologically Sustainable Development

E25. Prior to the commencement of construction unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

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

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PART F DURING CONSTRUCTION

Site Notice

- F1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- F2. 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

- F3. 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 E10.

Site Contamination

- F4. At the completion of demolition, the Applicant must conduct a detailed site investigation to confirm the full nature and extent of any contamination at the project area and comply with the following requirements:
- (a) site investigations must be undertaken (including the land situated beneath the existing building footprints following demolition) 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*; and
 - (b) the reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
- F5. Should the investigations required by condition F4 identify that remediation works are required, a Remediation Action Plan (RAP) is to be prepared and approved by a NSW EPA accredited Site Auditor to confirm that the RAP is appropriate. Remediation of the site must be carried out in accordance with the RAP prior to the commencement of construction.
- F6. 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).

Construction Hours

- F7. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 5pm, Saturdays.

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

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- F8. Construction activities may be undertaken outside of the hours in condition F7 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.
- F9. Notification of such construction activities as referenced in condition F8 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- F10. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- F11. The Applicant must carry out the construction of the development in accordance with the most recent version of the submitted CEMP (including Sub-Plans).

Construction Traffic

- F12. All construction vehicles (excluding site personnel vehicles) must be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- F13. 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

- F14. 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

- F15. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Sub-Plan.
- F16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition F7.
- F17. 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

- F18. Vibration caused by construction at any residence or structure outside the site must be limited to:

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- (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).
- F19. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition F18.
- F20. The limits in conditions F18 and F19 apply unless otherwise outlined in a Construction Noise and Vibration Management Sub-Plan, approved as part of the CEMP required by condition E15 of this consent.

Tree Protection

- F21. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees immediately adjacent to the approved disturbance area / property boundary/ies must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Construction Impact Assessment and Management Plan*, prepared by Botanics Tree Wise People Pty Ltd and dated September 2019 (updated April 2021); and
 - (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Note: *Payment of applicable bonds for specific street trees subject to condition F21 above, are to be determined in consultation with Council and in accordance with Council's standard tree protection specifications, conditions and/or guidelines.*

Air Quality

- F22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- F23. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- F24. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

Imported Soil

- F25. The Applicant must:

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- (a) ensure that only virgin excavated natural material (VENM), excavated natural material (ENM), or other material approved in writing 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

F26. 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

F27. 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 Heritage NSW 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 Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

Unexpected Finds Protocol – Historic Heritage

F28. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and 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 Heritage NSW.

Waste Storage and Processing

- F29. 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.
- F30. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- F31. 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.
- F32. 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.
- F33. 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

F34. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Independent Environmental Audit

- F35. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- F36. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- F37. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the applicant of the date or timing upon which the audit must be commenced.

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- F38. 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 F39 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- F39. 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.
- F40. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

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

Notification of Occupation

- G1. At least one month before the issue of the occupation certificate, 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

- G2. Prior to the issue of the 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 BCA.
- G3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Post-construction Dilapidation Report

- G4. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report **and a closed-circuit television report on the adjacent stormwater drainage infrastructure** at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure **(as supported where required by closed-circuit television monitoring reports undertaken in condition E4)**, the Certifier must:
 - i) compare the post-construction dilapidation **and closed-circuit television** reports with the pre-construction dilapidation **and closed-circuit television** reports required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) to be forwarded to Council for information.

Protection of Public Infrastructure

- G5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by E7 of this consent.

Protection of Property

- G6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Utilities and Services

- G7. Prior to the issue of the 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*.

Roadworks and Access

- G8. Prior to the commencement of operation, the Applicant must complete the intersection upgrade works for the Queens Park Road / York Road intersection and the York Road / Baronga Avenue

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intersection to the satisfaction of Council. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

- G9. Prior to the commencement of operation, the Applicant must complete the installation or alteration of existing pedestrian crossings in the surrounding road network to the satisfaction of TfNSW and Council and in consultation with the State Transit Authority, including the pedestrian crossings at the following locations:
- (a) Baronga Avenue near Gate 3; and
 - (b) York Road near Gate 1.

Works as Executed Plans

- G10. Prior to the issue of the 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.

Moriah College Transport, Traffic and Parking Plan

- G11. Prior to the commencement of operation, a revised Moriah College Transport, Traffic and Parking Plan (TTPP) must be prepared by a suitably qualified person, in consultation with Council and TfNSW and submitted to the satisfaction of the Planning Secretary. The TTPP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures including staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
 - (b) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
 - (c) the location and operational management procedures of the pick-up and drop-off parking located within the senior school campus and the primary school campus, including staff management/traffic controller arrangements;
 - (d) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations along Baronga Avenue, including staff management/traffic controller arrangements;
 - (e) measures to limit access to the site for ELC parents and staff and senior school staff during peak drop-off and pick-up times;
 - (f) delivery and services vehicle and bus access and management arrangements;
 - (g) management of approved access arrangements;
 - (h) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking in York Road;
 - (i) car parking arrangements and management associated with the proposed use of school facilities by community members; and
 - (j) a monitoring and review program.

Mechanical Ventilation

- G12. 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 – Design of Mechanical Plant and Equipment

- G13. Prior to the issue of the occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *Noise & Vibration Impact Assessment*

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for SSDA (SSD 10352) – Moriah College Redevelopment, Queens Park dated 14 October 2019 and prepared by JHA have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

Car Parking, Service Vehicles and Bicycle Parking Arrangements

- G14. Prior to the issue of the occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car-parking, service vehicle areas and bicycle parking facilities comply with condition D5;
 - (b) appropriate pedestrian and cyclist advisory signs have been provided;
 - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
 - (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
 - (e) end-of-trip facilities for staff have been provided.

Road Damage

- G15. Prior to the issue of the 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.

Fire Safety Certification

- G16. Prior to the issue of the occupation certificate, 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

- G17. Prior to the issue of the 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

- G18. Prior to the issue of the occupation certificate, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that any 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 System Operation and Maintenance

- G19. Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP) must be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP 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

- G20. 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

- G21. Prior to the issue of the 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

- G22. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- G23. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Operational Waste Management Plan

- G24. Prior to the commencement of operation, the Applicant must prepare an Operational Waste Management Plan (OWMP) for the development and submit it to the Certifier. The OWMP 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 the EIS.

Site Contamination

- G25. If, based on further site investigations undertaken in accordance with condition F4, it is determined that ongoing on-site management of soil or groundwater contamination is required, then the following requirements must be satisfied:
- (a) the Applicant must engage a 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 no later than one month before the commencement of operation.
 - (b) 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

- G26. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) approved under condition D8.
- G27. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site outside of the VMP area, to the satisfaction of the Planning Secretary. The plan must:

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- (a) describe the ongoing monitoring and maintenance measures to manage screening, revegetation and landscaping;
- (b) include a replanting programme where the revegetation fails to establish; and
- (c) be consistent with the Applicant's Management and Mitigation Measures in the EIS.

G28. The Applicant must not commence operation until the Operational Landscape Management Plan is approved by the Planning Secretary.

Vegetation Management Plan Area

G29. Prior to the commencement of operation, revegetation of the VMP area must be undertaken by a suitably qualified bush regenerator(s) with experience in restoring and maintaining the ESBS vegetation community, in accordance with the VMP approved under condition D7.

Moriah College Plan of Management

G30. Prior to the commencement of operation, the Applicant must prepare an updated Moriah College Plan of Management (PoM), to the satisfaction of Council that includes provisions to manage out-of-hours events carried out on the school campus. The PoM must be made publicly available on the school's website at least one week prior to each out-of-hours event and must include the following:

- (a) the number of attendees, time and duration;
- (b) arrival and departure times and modes of transport;
- (c) a schedule of all annual events;
- (d) measures to encourage sustainable travel to and from the school (i.e. public transport);
- (e) measures to address localised traffic and parking impacts, including provisions for the use of the school's on-site car parking spaces; and
- (f) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of an acoustic management plan.

G31. The PoM must be implemented by the Applicant for the duration of the identified events or use.

Registration of Instrument

G32. G31. Prior to the issue of an occupation certificate, a suitably worded instrument pursuant to Section 88 of the Conveyancing Act 1919 must be prepared and registered in terms to the satisfaction of Council, and copies provided to the Certifier and the Planning Secretary for information. The instrument must:

- a) provide for an appropriate restriction on the use of the land for the new stormwater management system and the new stormwater quality improvement system, in favour of Council and burdening the Site, to ensure the systems are maintained and kept free of debris and weeds;**
- b) include the provision that the new stormwater management system and stormwater quality system cannot be modified or removed without consent from Council;**
- c) include the provision that the instrument can only be varied, modified, released by Council; and**
- d) include details that the instrument creating the restriction and/or covenant required by this condition being registered on the title of the Site.**

Note: The Applicant must submit Council's Legal Document Authorisation Application in accordance with Council requirements (including the wording of the Instrument) to the Council's Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.

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PART H POST OCCUPATION

Operation of Plant and Equipment

- H1. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- H2. 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

- H3. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Moriah College Transport, Traffic and Parking Plan (TTPP)

- H4. The TTPP approved under condition G11 (as revised from time to time) must be implemented by the Applicant for the life of the development.

Operational Noise Limits

- H5. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the *Noise & Vibration Impact Assessment for SSDA (SSD 10352) – Moriah College Redevelopment, Queens Park* dated 14 October 2019 and prepared by JHA.
- H6. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* (EPA, 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 of use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the *Noise & Vibration Impact Assessment for SSDA (SSD 10352) – Moriah College Redevelopment, Queens Park* dated 14 October 2019 and prepared by JHA. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant must implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Green Travel Plan

- H7. The GTP required by condition D12 of this consent must be updated annually and implemented for the life of the development.

Ecologically Sustainable Development

- H8. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition E25, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- H9. Notwithstanding condition F34, 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.

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Landscaping

H10. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D7 for the duration of occupation of the development.

Vegetation Management Plan Area

H11. The VMP area must be managed, maintained and monitored by a suitably qualified bush regenerator with experience in restoring and maintaining ESBS vegetation community in perpetuity, in accordance with the VMP approved under condition D7.

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

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

Legal Notices

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

Access for People with Disabilities

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

Utilities and Services

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

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

Road Design and Traffic Facilities

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

Road Occupancy Licence

AN8. 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

AN9. 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

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN11. 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

AN12. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW(RMS) and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;

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

Fire Safety Certificate

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

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary 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 C28 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.

APPENDIX 3 VEGETATION MANAGEMENT PLAN AREA



Figure 1: Location of the Vegetation Management Plan (VMP) area on the site (Source: Applicant's Supplementary RtS)