

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 26 April 2021, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Karen Harragon
Director
Social and Infrastructure Assessments

Sydney

26 July 2021

SCHEDULE 1

Application Number:	SSD 10385
Applicant:	Kambala
Consent Authority:	Minister for Planning and Public Spaces
Site:	794-796 New South Head Road, Rose Bay Lot 67 DP 2538, Lot C DP 210074, Lot 1 DP 1089403 and Lot 1 - 12 DP 1116858
Development:	A new sports, wellbeing and senior learning precinct within the Kambala School campus including: • removal of existing sports fields and courts, tree removal and excavation; • part demolition of existing Hawthorne building and alterations; • demolition of the existing Arts building and part demolition of an existing heritage item, Tivoli building to reinstate open space; • alterations to existing Music building by adding an additional level (two-storey) accommodating a new wellbeing centre, staff facilities, amenities and roof top tennis courts with fence and lighting; • construction of a new two-storey building, comprising:

- indoor multipurpose sports courts for up to 1500 people with spectator seating areas;
 - weight rooms and dance rooms and amenities;
 - rooftop multipurpose sports fields with lighting and fence; and
 - general learning areas, staff rooms and amenities;
- landscaping works including new courtyards, covered outdoor learning areas and open spaces; and
- increase in student numbers from 950 to 1020 (70 additional).

DEFINITIONS

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

EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement, 794-796 New South Head Road, Rose Bay, Kambala Sport Wellbeing and Senior Learning Precinct</i> , prepared by Ethos Urban dated 20 October 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
GTP	Green Travel Plan
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance Note: “material harm” is defined in this consent
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department’s website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
LTEMP	Long Term Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in Section 7 of the EIS..
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act

Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
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
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1.
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
TfNSW (RMS)	Transport for New South Wales (Roads and Maritime Services)
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS as prepared by Ethos Urban and dated 20 October 2020 and Response to Submissions (RtS) prepared by Ethos Urban and dated 30 April 2021 and supplementary RtS prepared by Ethos Urban and dated 24 June 2021; and
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by <i>Allen Jack + Cottier</i>			
Dwg No.	Rev	Name of Plan	Date
DA0001	A	Cover Sheet	21/07/2020
DA1001	A	Existing Campus Plan	21/07/2020
DA1002	A	Existing Campus Environmental Conditions Plan	21/07/2020
DA1003	A	Project Scope	21/07/2020
DA1004	A	Project Key Plan	21/07/2020
DA1005	C	Proposed Campus Plan	29/04/2021
DA1006	A	Existing Carpark	22/04/2021
DA1101	A	Level 1 Demolition Plan	21/07/2020
DA1102	A	Level 2 Demolition Plan	21/07/2020
DA1103	A	Level 3 Demolition Plan	21/07/2020
DA2101	B	Level 1 Plan	22/04/2021
DA2102	B	Level 2 Plan	22/04/2021
DA2103	B	Level 3 Plan	22/04/2021
DA3101	A	Elevations - Sheet 1	21/07/2020
DA3102	A	Elevations - Sheet 2	21/07/2020
DA3103	B	Elevations - Sheet 3	22/04/2021
DA3201	A	Sections - Sheet 1	21/07/2020
DA3202	A	Sections - Sheet 2	21/07/2020
DA3203	A	Sections - Sheet 3	21/07/2020
DA3204	A	Sections - Sheet 4	21/07/2020
DA4101	A	Wall Sections - Sheet 1	21/07/2020
DA4102	A	Wall Sections - Sheet 2	21/07/2020
DA5101	A	Shadow Analysis - Sheet 1	21/07/2020
DA5102	A	Shadow Analysis - Sheet 2	21/07/2020
DA5103	A	Shadow Analysis - Sheet 3	21/07/2020
DA6101	A	Perspective View 1	21/07/2020

DA6102	A	Perspective View 2	21/07/2020
DA6103	A	Perspective View 3	21/07/2020
DA6104	A	Perspective View 4	21/07/2020
DA7101	A	Finishes Board	21/07/2020
Landscape plans prepared by Oculus			
Dwg No.	Rev	Name of Plan	Date
L-001	A	Masterplan	22/07/2020
L-002	A	Entrance & Sports Precinct	22/07/2020
L-003	A	Southern Precinct	22/07/2020
L-004	A	Site Sections	22/07/2020
L-005	A	Site Sections	22/07/2020
L-006	A	Site Sections	22/07/2020
L-007	A	Site Sections	22/07/2020
L003	01	Master Plant Schedule	21/12/2020
L500	01	Planting Plan	21/12/2020

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.

Staff and student numbers

- A6. The student population and associated full time equivalent staff numbers to be enrolled in the school must not exceed 1020 and 230 respectively.

Surrender of Existing Consents or Approvals

- A7. Within 12 months of the date of the issue of the first construction certificate for the development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent DA511/2004 dated 6/8/2004 for the demolition of the existing tennis/basketball courts and the construction of a new building comprising basement carparking, boarder accommodation and auxiliary facilities in accordance with the EP&A Regulation.
- A8. Upon the issue of the first construction certificate for the development to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A7, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

Prescribed Conditions

- A9. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

- A10. 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

- A11. 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

- A12. 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).
- A13. A Staging Report prepared in accordance with condition A12 must:
- (a) demonstrate that the staging of the construction works is generally consistent with section 3.20 of the EIS;
 - (b) set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (c) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (d) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A14. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A15. 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

- A16. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);

- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A17. Any strategy, plan or program prepared in accordance with condition A16, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A18. 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.
- A19. 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

- A20. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

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

Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

External Walls and Cladding

- A21. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A22. 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.
- A23. 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

- A24. 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

- A25. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:

- (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operation of the buildings that are part of this development.

Compliance

- A26. 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

- A27. 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.
- A28. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A29. 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.
- A30. 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.
- A31. 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

- A32. Within three months of:
- (a) the submission of a compliance report under condition A34;
 - (b) the submission of an incident report under condition A27;
 - (c) the submission of an Independent Audit under condition D47;
 - (d) the approval of any modification of the conditions of this consent; or
 - (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review.

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

- A33. 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 and / 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

- A34. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- A35. 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.
- A36. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A37. 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.

Works on land affected by Transport for New South Wales (TfNSW) easement

- A38. The retaining wall built form structures and associated civil works adjoining and over the TfNSW easement should be in accordance with TfNSW requirements and with TNSW agreement. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Car parking

- A39. This consent does not permit:
- (a) the reduction of the 123 car spaces within the site; and
 - (b) any amendments or alterations to the pick-up / drop-off areas utilised by the school.

Out-of-hours Use or Community Use

- A40. This consent does not permit any additional intensification of community use or out-of-hours activities on the site above that currently operating on site.

Operational Transport and Access Management Plan (OTAMP)

- A41. Within 12 months of the date of this development consent, an OTAMP must be prepared by a suitably qualified person, in consultation with Council and TfNSW and submitted to the satisfaction of the Planning Secretary. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
 - (b) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
 - (c) the location and operational management procedures of the pick-up / drop-off parking located along Bayview Hill Road and Tivoli Avenue, including staff management / traffic controller arrangements;
 - (d) the location and operational management procedures for the pick-up / drop-off of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations along New South Head Road, including staff management / traffic controller arrangements;
 - (e) location of the shuttle-bus parking and its operational procedures;

- (f) consultation mechanisms with the community regarding traffic management measures during large events within the school including the use of the proposed new sports hall for events and concerts;
- (g) provision of publicly available information prior to such events to notify neighbours and impacted properties in advance;
- (h) delivery and services vehicle and bus / shuttle-bus access and management arrangements;
- (i) management of approved access arrangements;
- (j) 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 along Bayview Hill Road, Tivoli Avenue and the Hampshire House basement carparking provided on site;
- (k) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (l) a monitoring and review program.

A42. The OTAMP (as updated) must be implemented for the life of the development and evidence of implementation must be provided to the Certifier within 18 months of the date of this development consent.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

External Walls and Cladding

- B1. Prior to the issue of a construction certificate for a relevant stage, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Operational Noise – Design of Mechanical Plant and Equipment

- B2. Prior to the issue of any construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate appropriate noise mitigation to demonstrate compliance with the Project Noise Trigger Levels in the *Kambala Sport, Wellbeing and Senior Learning Precinct: Noise and Vibration Impact Assessment*, prepared by Wilkinson Murray and dated 28 September 2020 (Revision B). The Certifier must verify the detailed drawings to ensure that all noise mitigation measures have been incorporated into the design and that these measures would result in compliance with the relevant Project Noise Trigger Levels.

Service Vehicle Ramp

- B3. Prior to the issue of a construction certificate for a relevant stage, evidence must be submitted to the satisfaction of the Certifier that the operational access arrangements to the service vehicle ramp proposed along New South Head Road complies with the following requirements:
- (a) all service vehicles can enter and leave the service ramp in a forward direction; and
 - (b) the swept path of the largest service vehicle accessing the ramp complies with the latest version of AS2890.2.

Stormwater Management System

- B4. Prior to the issue of a construction certificate for a relevant stage involving stormwater works, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The detailed design of the system must:
- (a) be designed by a suitably qualified and experienced person(s) in consultation with Council (where relevant);
 - (b) be generally in accordance with the conceptual design in the EIS as listed in the following plans:

Civil Drawings prepared by Taylor Thomas Whitting			
Dwg No.	Rev	Name of Plan	Date
C01	B	Notes and Legend Sheet	03/07/2020
C02	C	Erosion and Sediment Control Plan	07/07/2020
C05	C	Overall Siteworks Plan (Background Level 1)	07/07/2020
C06	B	Overall Siteworks Plan (Background Level 2)	07/07/2020
C07	B	Typical Details Sheet 1	03/07/2020
C08	B	OSD Tank Details	03/07/2020
C10	B	SPEL Details	02/07/2020

- (c) be in accordance with applicable Australian Standards and Woolhara Development Control Plan 2015 Chapter E2 – Stormwater and Floods Risk Management;
- (d) include (but not limited to):
 - (i) plans with details of and location all proposed pipe layouts, on-site detention and rainwater tanks;
 - (ii) location and dimension of all drainage pits;
 - (iii) any potential conflict of the tanks, pits or pipes with existing and proposed trees and vegetation;

- (iv) internal dimensions and volume of the proposed detention range;
- (v) diameter of the outlet to the proposed detention storage basin;
- (vi) plans, elevations and sections showing the detention storage basin invert level, centre line level of outlet, top water level, finished surface level and adjacent structures;
- (vii) plans, elevations and sections showing the rainwater tanks, finished surface levels and adjacent structures;
- (viii) access and maintenance facilities;
- (ix) construction and structural details of all tanks and pits and / or manufacturer's specifications for proprietary products;
- (x) details of emergency overland flow-path (to an approved Council drainage point) in case of blockage to the on-site detention system and / or rainwater tanks; and
- (xi) non removable fixing details for orifice plates, where used for the on-site detention tank(s);
- (xii) point and method of connection to Council's drainage infrastructure; and
- (xiii) overflow paths over impervious areas;
- (e) include details of the installation of 100 kilolitres rainwater tank with 3 x Stormsacks, 1 x HydroSystem 1500/4 and 1x HydroSystem 1000 by SPEL or equivalent, to ensure that the water quality targets for stormwater treatment system stipulated in Chapter E2.2.3 of Woollhara Development Control Plan 2015;
- (f) demonstrate that the minimum Site Storage Requirement of 178 cubic metres has been achieved;
- (g) include details to demonstrate that the Permissible Site Discharge does not exceed 302 litres/sec.
- (h) include details of the stormwater diversion works and relocation / realignment of the existing stormwater easement, consistent with that endorsed by Council (as required by condition B7);
- (i) include copies of the stormwater diversion works that are endorsed by Council (required by condition B7); and
- (j) 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.

Relocation / Reconstruction of Council's Drainage System

- B5. A separate application under Section 68 of the *Local Government Act 1993* must be submitted to Council and be approved prior to the issue of any construction certificate in relation to the stormwater diversion system proposed within the site.
- B6. The detailed design plans for the stormwater diversion works including relocation / realignment of the existing stormwater drainage easement through the site, must demonstrate that:
 - (a) the realignment of existing Council's stormwater pipelines is consistent with *Drawing No, C05 Issue C, Overall Siteworks Plan (Background Level 2)* prepared by Taylor Thomas Whitting;
 - (b) the design of the stormwater diversion system is in accordance with the Woollhara Development Control Plan 2015 Chapter E2 – Stormwater and Floods Risk Management and "Specification for Road Works, Drainage and Miscellaneous Works" which include Council's standard drawings;
 - (c) all stormwater diversion pipelines are designed and sized so that they are not surcharged in a 1% Annual Exceedance Probability (AEP) event;
 - (d) the drawings for the stormwater diversion system and its associated structures are supported by structural design and a design certificate prepared by a Chartered Structured Engineer; and
 - (e) the stormwater diversion design is designed to withstand a minimum head of 20 metres (m) without leakage.

- B7. The construction certificate plans for the stormwater diversion works including relocation / realignment of the existing stormwater drainage easement through the site, must:
- (a) ensure compliance with condition B6;
 - (b) be endorsed by the Asset Management Team Leader of Council's Infrastructure Branch;
 - (c) be submitted to Council, at least four weeks (or earlier) prior to the endorsement; and
 - (d) include the appropriate fees (as required by Council) including inspection fees in accordance with Council's current Fees and Charges Schedule.
- B8. The Applicant must ensure that, if required by Council, Infrastructure Works Bonds are paid to Council (to ensure completion of works per Council's requirements) prior to the issue of the Construction Certificate for the stormwater diversion works within the site.

Retaining wall over TfNSW easement

- B9. Prior to the issue of the construction certificate for the retaining wall, built form structures and associated civil works adjoining and over the TfNSW easement, detailed design plans including hydraulic calculations for the stormwater drainage system must be submitted to and be endorsed by TfNSW (in accordance with TfNSW GTD 2020-01). The Applicant must pay the required plan checking fees to TfNSW prior to endorsement of the plans.

Note: All documents in relation to condition B9 must be sent to development.sydney@transport.nsw.gov.au.

- B10. Prior to the endorsement of the design plans, a performance bond must be submitted to TfNSW by the Applicant (where relevant).
- B11. Separate construction certificate applications under the provisions of section 138 of the *Roads Act 1993* must be submitted with the relevant road authority (Council / TfNSW as relevant) for works within their land or public reserves.

Geotechnical Matters

- B12. Prior to the issue of the construction certificate for a relevant construction stage involving excavation works, the Applicant must appoint a suitably qualified geotechnical consultant to oversee the excavation works on the site.
- B13. The construction certificate plans for each relevant stage must demonstrate to the satisfaction of the Certifier that all recommendations in Section 4 of the *Geotechnical and Environmental Investigation (PSM3759-002L)* dated 29/01/2019 prepared by Pells Sullivan Meynik, have been incorporated in the design. This includes (but not limited to):
- (a) management of groundwater (where relevant) during bulk excavation;
 - (b) design of temporary and permanent batters;
 - (c) shoring system and anchors; and
 - (d) design of piles and foundations.
- B14. Prior to the issue of any construction certificates for the site, a suitably qualified geotechnical consultant must prepare a report which:
- (a) determines the possibility of any adjoining buildings, founded on loose materials, being affected by the piling, piers and excavation;
 - (b) assesses the requirements for underpinning any adjacent or adjoining buildings founded on such soil on a case by case basis;
 - (c) provides appropriate recommendations to manage such impacts; and
 - (d) includes a certificate to demonstrate that the construction certificate plans comply with the requirements of condition B13.
- B15. The report required by condition B14 must be submitted to the satisfaction of the Certifier, prior to the issue of any construction certificate for the proposed works approved under this development consent.

Lighting strategy

- B16. The detailed design plans must include details of all external lighting of the sports courts in accordance with the External Lighting Strategy Report (Revision A) prepared by LCI Consultants dated 20/07/2020. A suitably qualified lighting consultant must provide a certificate to the satisfaction

of the Certifier demonstrating compliance with the recommendations of the External Lighting Strategy Report.

Bicycle Parking and End-of-Trip Facilities

- B17. Prior to the issue of a construction certificate of the relevant construction stage, the following design details in relation to the secure bicycle parking spaces must be submitted to the Certifier for approval:
- (a) the provision of a minimum of four bicycle parking spaces outlined in plans listed in condition A2; and
 - (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*.

Remedial Action Plan

- B18. Prior to the issue of any construction certificate, the recommendations of the Remedial Action Plan: Kambala School Sports Precinct, prepared by JBS&G and dated 25 September 2020 must be updated to confirm that:
- (a) contaminated fill will be retained in locations (if accepted by the appointed Site Auditor) under the proposed new two storey building;
 - (b) All of the remaining fill materials are to be disposed off to authorised sites; and
 - (c) No contaminated fill materials will be retained under any proposed landscaped areas to be used by the students / staff unless agreed with the site auditor.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- C3. Prior to the commencement of construction of a relevant construction stage, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

Protection of Public Infrastructure

- C4. Prior to the commencement of construction of a relevant construction stage, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths). The report must include coloured and date stamped photographs showing the current condition of any existing damage fronting the site and adjoining the site; and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier in an electronic format and to Council in both paper copy and electronic format.

Pre-Construction Dilapidation Report

- C5. Prior to the commencement of any construction works, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works.

Project Heritage Architect

- C6. Prior to the commencement of any construction works, the Applicant must appoint a suitability qualified and experienced heritage consultant / architect to oversee all works proposed to the Tivoli building.

Photographic Archival Recording

- C7. Prior to the commencement of any construction works, the Applicant must provide Council with a full archival record of all building and landscape elements that are proposed to be demolished and / or removed. The archival record must be:
 - (a) completed by a heritage consultant listed in Heritage NSW's Heritage Consultants Directory or by a suitably qualified consultant with demonstrated working knowledge of archival principles;
 - (b) taken in accordance with the former NSW Department of Planning Heritage Branch's publication, The Heritage Information Series: Photographic Recording of Heritage Items Using Film or Digital Capture 2006 guideline;
 - (c) accompanied with one digital photographic report including (but not limited to):
 - (i) appropriately scaled site plans (such as 1:200 or 1:500) of all structures and major landscape elements including their relationship to the street and adjoining properties;
 - (ii) directional details of the photographs taken;
 - (iii) floorplans of the internal layout of all structures that are to be demolished and directional details of photos taken; and
 - (iv) coloured photographs of:
 - each elevation;

- each structure and landscape feature;
- internal photographs of each room and significant architectural detailing; and
- views to the subject property from each street and laneway or public space.

Note: Refer to the former NSW Office of Environment and Heritage's Photographic Recording of Heritage Items using Film or Digital Capture online guidance at www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf.

Development Contributions

- C8. Prior to the commencement of any construction works, a payment of a levy of 1% of the proposed cost of carrying out the development, being \$597,000 (plus any additional amount as indexed by Council) must be paid to Council under section 7.12 of the EP&A Act.
- C9. Notwithstanding the requirements of condition C8, the payment of the contributions can be staged with the proposed staging of the construction works (as approved by condition A12), if agreed to by Council. Evidence of agreement with Council regarding staging of development contributions must be provided to the Planning Secretary prior to commencement of any construction works and payment of contributions.

Biodiversity

- C10. Prior to the commencement of any vegetation clearing, the number and classes of ecosystem credits and species credits (like-for-like) set out in the BAM Biodiversity Credit Summary Report contained in Appendix D of the *Biodiversity Development Assessment Report* (19SYD-14637), prepared by Ecological Australia and dated 7/07/2020 must be retired.
- C11. The requirement to retire like-for-like ecosystem credits in condition C10 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.
- C12. Evidence of the retirement of credits in satisfaction of condition C11 or payment to the Biodiversity Conservation Fund (where relevant) must be provided to the Planning Secretary prior to commencement of any construction works.

Community Communication Strategy

- C13. No later than two weeks before the commencement of any construction works, a Community Communication Strategy must be submitted to the Planning Secretary for information, prior to the commencement of construction. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

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

Ecologically Sustainable Development

- C14. Prior to the commencement of construction of a relevant construction stage, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
 - (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

- C15. Prior to commencement of lighting installation of a relevant construction stage, evidence must be submitted to the satisfaction of 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.

Demolition

- C16. Prior to the commencement of construction of a relevant construction stage, 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

- C17. 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

- C18. Prior to the commencement of any construction works, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by condition C13;
 - (b) a works methodology outlining protective measures for Tivoli House during the demolition and construction;
 - (c) Construction Traffic and Pedestrian Management Sub-Plan (see condition C20);
 - (d) Construction Noise and Vibration Management Sub-Plan (see condition C21);
 - (e) Construction Soil and Water Management Sub-Plan (see condition C22);
 - (f) an unexpected finds protocol for contamination and associated communications procedure;
 - (g) an unexpected finds protocol for Aboriginal and associated communications procedure incorporating recommendations of the *Aboriginal Cultural Heritage Assessment- Kambala School* (19SYD-14941) prepared by Ecological Australia dated 16/12/2020;

- (h) an unexpected finds protocol for non-Aboriginal (historic archaeology) and associated communications procedure incorporating recommendations of *Historical Archaeological Assessment and Research Design* prepared by Urbis dated 24/06/2021; and
 - (i) 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.
- C19. 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.
- C20. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) be consistent with the preliminary CTPMSP submitted with the EIS;
 - (d) include details of predicted number of construction vehicle movements per day and detail of vehicle types, noting that vehicle movements are to be minimised during peak traffic periods;
 - (e) include assessment of potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - (f) include details of any cumulative impacts due to ongoing construction works on nearby sites;
 - (g) include 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;
 - (h) detail heavy vehicle routes, access and parking arrangements;
 - (i) detail construction vehicle access arrangements to demonstrate that:
 - (i) construction vehicles can enter and leave the site in a forward direction; and
 - (ii) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2;
 - (j) include details regarding safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs;
 - (k) include details to demonstrate the construction vehicle access arrangements and student / staff access to the site during construction works to ensure safe operation of the school at all times; and
 - (l) detail the operational requirements for a Work Zone along New South Head Road, including activities to be carried out, measures for safe access and egress and hours of operation.
- C21. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must be prepared for the site and upheld by the Contractor. The plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) be consistent with *Kambala Sport, Wellbeing and Senior Learning Precinct – Noise and Vibration Impact Assessment* prepared by Wilkinson Murray dated 28/09/2020;
 - (c) describe procedures for achieving the noise management levels in *Kambala Sport, Wellbeing and Senior Learning Precinct – Noise and Vibration Impact Assessment* prepared by Wilkinson Murray dated 28/09/2020;
 - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (e) include strategies that have been developed with the community for managing high noise generating works;
 - (f) describe the community consultation undertaken to develop the strategies in condition C21(e);

- (g) includes details of the noise management measures (including scheduling of activities, noise barriers within the site, hoardings etc) that would be installed to ensure that students / staff are not impacted by the construction noise;
 - (h) include a complaints management system that would be implemented for the duration of the construction; and
 - (i) 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 C21.
- C22. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (c) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.
 - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (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, 1 in 5-year ARI and 1 in 100-year ARI.
- C23. A Driver Code of Conduct must be prepared prior to the commencement of any construction works, communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Construction Work Zone and Relocation of Bus Stop

- C24. Prior to the commencement of construction of a relevant construction stage that requires the establishment of a work zone on a public road, the Applicant must:
- (a) obtain the necessary approvals for the work zone from the relevant roads authority, including payment of appropriate fees; and
 - (b) ensure that appropriate work zone signs are erected by the relevant roads authority (or others as needed) to enforce the work zone.

***Note:** If the work zone is required to be approved by Council, the Applicant must allow for four to six weeks for approval, after application to the Woollahra Local Traffic Committee, under clause 22 of the Transport Administration (General) Regulation 2000 to exercise those functions delegated by the TfNSW under Section 50 of the Transport Administration Act 1988.*

- C25. Prior to the establishment of the proposed work zone along New South Head Road, the Applicant must consult with and obtain endorsement from TfNSW regarding the temporary relocation of the existing bus stop. Evidence of endorsement from TfNSW, the details of the work zone and the temporary alternate location of the bus stop must be submitted to the Planning Secretary for information, at least one month prior to the establishment of the work zone.
- C26. The bus stop must be removed, and the alternate location established prior to the establishment of the work zone.

Construction Worker Transportation Strategy

- C27. Prior to the commencement of any construction works, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to

minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

Builders Details

- C28. Prior to the commencement of any construction works, the Builder / Project Manager's (where relevant) direct contact number must be provided to any small businesses adjoining or impacted by the construction work and the Transport Management Centre within TfNSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time.

Note: The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Works Authorisation Deed

- C29. Prior to the commencement of construction works of a relevant construction stage involving the retaining wall, built form structures and associated civil works adjoining and over the TfNSW easement, the Applicant must enter into a Works Authorisation Deed. TfNSW fees for administration, plan checking, civil works inspections and project management must be paid by the developer prior to the commencement of such works.

Archaeological research Design, Excavation Methodology

- C30. Prior to the commencement of the construction works which involve ground disturbance, a detailed Archaeological Research Design, Excavation Methodology (ARD) must be prepared and certified by a suitably qualified archaeologist in consultation with Heritage Division of the Department of Premier and Cabinet (Heritage NSW) and consistent with section 7 (ARD) of the *Historical Archaeological Assessment and Research Design* prepared by Urbis dated 24/06/2021. The ARD must be approved by the Planning Secretary prior to the commencement of such works.

Excavation Director

- C31. Prior to the commencement of the construction works which involve ground disturbance, an excavation director must be nominated to direct the archaeological program for the development. The excavation director must have appropriate qualification in accordance with 'Criteria for Assessment of Excavation Directors' published by the Heritage NSW (former Heritage Council).

CCTV Report of new Stormwater Diversion System

- C32. Prior to the commencement of excavation works for Buildings B and C (as identified in the drawings approved in condition A2) and / or decommissioning of the existing stormwater drainage system through the site and upon completion of the stormwater diversion works proposed under this development consent, a suitably qualified consultant must undertake the following:
- (a) a closed-circuit television (CCTV) inspection of the as-built diversion system (by surveying manhole to manhole), which views and records (in a clear and concise manner):
 - (i) the internal surface of the drainage pipe;
 - (ii) conditions of the conduit joints by allowing the camera to pan, tilt and turn at right angles to the pipe axis over an entire vertical circle;
 - (iii) distances from the manholes (including displaying that on the video); and
 - (iv) all defects and pipe joints by stopping movement and panning the camera to fully inspect the joint and/or defect.
 - (b) prepare a report on the condition of the as-built stormwater diversion system based on the CCTV inspection;
 - (c) submit the video footage required in condition C32(a) and the report to Council's Assets Branch for endorsement; and
 - (d) rectify any defects identified in the inspection report and re-submit to Council's Assets Branch for endorsement.

Note: no person should enter the stormwater conduit.

Monitoring Ground Water

- C33. Prior to the commencement of construction works of requiring excavation below ground level, the Applicant must provide two piezometers within the excavation area and a further two piezometers around the perimeter of the wall, to monitor ground water levels before and during all dewatering works for the construction phase.

- C34. Prior to the commencement of construction works that involves excavation below ground level, a work method statement for monitoring and managing ground water levels must be prepared to the satisfaction of the Certifier by a suitably qualified consultant.

Remediation

- C35. Prior to the commencement of any construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

PART D DURING CONSTRUCTION

Site Notice

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

Ongoing Consultation Requirements

- D2. The Applicant must support the ongoing consultation with the Aboriginal community throughout the duration of construction period on site. Evidence of this consultation must be provided for the information of the Planning Secretary and Heritage NSW throughout the duration of construction works.

Operation of Plant and Equipment

- D3. 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

- D4. 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 C16.

Construction Hours

- D5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
 - (c) No work may be carried out on Sundays or public holidays.
- D6. Construction activities may be undertaken outside of the hours in condition D5 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.
- D7. Notification of such construction activities as referenced in condition D6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D8. 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

- D9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- D10. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- D11. 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

- D12. 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

- D13. The development must be constructed to achieve the construction noise management levels detailed in the CNVMSP required by condition C21.
- D14. 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 D5.
- D15. 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

- D16. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D17. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D16.
- D18. The limits in conditions D16 and D17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C18 of this consent.

Tree Protection

- D19. 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 and property boundary must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment*, prepared by Arborlogix and dated 28 April 2020; and

- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

- D20. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D21. During construction, the Applicant must ensure that:
 - (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- D22. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP required by condition C22.

Imported Soil

- D23. The Applicant must:
 - (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

- D24. 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

- D25. All works on site are to be carried out in accordance with the recommendations of the *Aboriginal Cultural Heritage Assessment- Kambala School* (19SYD-14941) prepared by Ecological Australia dated 16/12/2020.
- D26. In the event that surface disturbance identifies a new Aboriginal object and / or skeletal remains, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

Excavation Methodology and Unexpected Finds Protocol – Historic Heritage

- D27. Excavation within all impacted areas of the site must be guided by the certified ARD (required by condition C30) and be directed by the appointed Excavation Director.
- D28. If any archaeological relics are uncovered during construction, all work must immediately cease in that area, the unexpected finds protocol required by the CEMP (condition C18) must be implemented and a written assessment of the nature and significance of the resource, along with a proposal for the

treatment of the remains must be submitted for the approval of Heritage NSW. Works may only recommence with the written approval of Heritage NSW.

- D29. Any archaeological salvage excavation works (if required) and / or monitoring works must be undertaken under the guidance of the nominated Excavation Director in accordance with the requirements of the Heritage NSW and the ARD.
- D30. All State significant archaeological items (if any) must be retained in situ and minimise all impacts from the project to these State significant archaeological items as much as possible.
- D31. The Applicant must nominate a repository for the relics salvaged from any historical archaeological excavations (where relevant).

Works to Tivoli building

- D32. The appointed project heritage architect / consultant must monitor the proposed works to demolish the southern portion of the eastern wing of the Tivoli building to ensure no significant fabric is damaged or removed without prior approval.

Waste Storage and Processing

- D33. 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.
- D34. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D35. 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.
- D36. 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.
- D37. 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.

Heritage Interpretation Plan

- D38. Within four months of commencement of any construction works, the Applicant must submit a Heritage Interpretation Plan to acknowledge the heritage of the site to the satisfaction of the Planning Secretary. The plan must:
 - (a) be prepared by appointed project heritage architect / consultant in consultation with Council;
 - (b) acknowledge the heritage significance of the site and include heritage interpretation elements, if relevant;
 - (c) incorporates heritage interpretation elements in accordance with the recommendations in Section 7 of the *Aboriginal Cultural Heritage Assessment- Kambala School* (19SYD-14941) prepared by Ecological Australia dated 16/12/2020; and
 - (d) incorporate interpretive information and measures into the design of the site.

Monitoring Ground Water

- D39. The ground water levels monitoring wells must:
 - (a) be maintained throughout the duration of the construction works and until the issue of the final occupation certificate in relation to the proposed works approved under this development consent; and
 - (b) regularly monitor the ground water levels (on a fortnightly basis or otherwise agreed with the Certifier) as required by the work method statement for the ground water levels.
- D40. Any damaged piezometers must be replaced to allow for uninterrupted monitoring.
- D41. Where the Applicant identifies any ground water level outside a safe range set by the work method statement for the control of ground water level, corrective action must be undertaken as directed by the appointed geotechnical consultant.

Outdoor Lighting

- D42. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

- D43. Remediation of the site must be carried out in accordance with the *Remedial Action Plan: Kambala School Sports Precinct*, prepared by JBS&G and dated 25 September 2020 as updated by condition B18, any variations to the *Remedial Action Plan: Kambala School Sports Precinct* approved by an NSW EPA-accredited Site Auditor and the unexpected finds protocol in condition C18.
- D44. If work is to be carried out / completed in stages, the staging report (condition A16) must reflect the staging of the remediation works and an NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D45. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Independent Environmental Audit

- D46. 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.
- D47. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D48. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agreed to above, upon giving at least 4 weeks' notice to the applicant of the date or timing upon which the audit must be commenced.
- D49. 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 D47 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.
- D50. 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.
- D51. 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.

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

Notification of Occupation

- E1. At least one month before the issue of the occupation certificate for a relevant construction stage, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

External Walls and Cladding

- E2. Prior to the issue of the occupation certificate for a relevant construction stage, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Post-construction Dilapidation Report

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

Protection of Public Infrastructure

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

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by C8 of this consent.

Protection of Property

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

Utilities and Services

- E7. Prior to the issue of the occupation certificate for a relevant construction stage, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Works as Executed Plans

- E8. Prior to the issue of the occupation certificate for a relevant construction stage, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Mechanical Ventilation

- E9. Prior to the issue of the occupation certificate for a relevant construction stage, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

- E10. Prior to the issue of the occupation certificate for a relevant construction stage, the Applicant must submit evidence to the Certifier that the noise mitigation measures (if any) in condition B2 have been incorporated and that the mechanical plant and equipment would not generate noise that exceeds the Project Noise Trigger Levels for the development identified in *Kambala Sport, Wellbeing and Senior Learning Precinct: Noise and Vibration Impact Assessment*, prepared by Wilkinson Murray and dated 28 September 2020 (Revision B).

Road Damage

- E11. Prior to the issue of the occupation certificate for a relevant construction stage, 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

- E12. Prior to the issue of the occupation certificate for a relevant construction stage, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- E13. 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

- E14. Prior to the issue of the occupation certificate for a relevant construction stage, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas (where relevant) 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 Management

- E15. Prior to the issue of the occupation certificate for a relevant construction stage, a Stormwater Operation and Maintenance Plan (OMP) is to 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.

- E16. Prior to the issue of the occupation certificate for a relevant construction stage, the Applicant must submit evidence to the Certifier that the proposed stormwater diversion works, and relocation of the easement have been completed and Council's endorsement has been obtained.

Warm Water Systems and Cooling Systems

- E17. 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

- E18. Prior to the issue of the occupation certificate for a relevant construction stage, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
- E19. Prior to the issue of the occupation certificate for the relevant construction stage involving external lighting for the rooftop sports courts, a suitably qualified lighting consultant must provide a certificate to the satisfaction of the Certifier demonstrating that the proposed external lighting (including lighting of the tennis courts, the COLA and the circulation areas) complies with condition B16.
- E20. Prior to the issue of the occupation certificate for the relevant construction stage involving external lighting for the rooftop sports courts, the Certifier must verify that the multipurpose sports courts above the new two-storey building does not include any additional lighting facilities for evening. The lighting must only be limited to the tennis courts above the Music building.

Use of Proposed Service Vehicle Ramp

- E21. Prior to the issue of the occupation certificate for the relevant construction stage involving the service vehicle ramp, evidence must be submitted to the satisfaction of the Certifier to demonstrate that the service vehicle ramp would not be accessible to students and staff apart from emergency conditions. the Applicant must demonstrate how student and staff access to the proposed service vehicle ramp along New South Head Road would be mitigated.

Operational Waste Management Plan

- E22. Prior to the occupation certificate for the relevant construction stage, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in the EIS.

Landscaping

- E23. Prior to the occupation certificate for the relevant construction stage, landscaping of the site must be completed in accordance with landscape plan(s) listed under condition A2.

Post Excavation Report

- E24. Within 12 months of completion of excavation works or prior to the issue of the first occupation certificate (whichever occurs earlier), the Applicant must prepare a post excavation report including an

archaeological report of the salvage excavation (if relevant), after completion of all archaeological works undertaken in accordance with conditions D27-D31. A copy of the final post excavation report(s) must be prepared and submitted to the Heritage NSW, local library, and the Planning Secretary and a copy provided to the Certifier as evidence.

Heritage Interpretation Strategy

- E25. Prior to the issue of the occupation certificate for the relevant construction stage, the Applicant must demonstrate to the satisfaction of the Certifier that the relevant provisions of the approved Heritage Interpretation Plan have been implemented on the site.

Bicycle, motorbike and shuttle-bus

- E26. Prior to the issue of the occupation certificate for the relevant construction stage, evidence must be provided to the Certifier that:
- (a) four bicycle parking spaces has been provided on the site; and
 - (b) end-of-trip facilities are available within the site.
- E27. Prior to the issue of the first occupation certificate for the development, evidence must be provided to the Certifier that:
- (a) five motorbike parking spaces complying with the relevant Australian Standards have been provided within the property accommodating the “Fernbank boarding houses” site, as identified in Drawing no. DA-1005 Issue C prepared by Allen Jack + Cottier dated 29/04/2021;
 - (b) parking area for two shuttle buses have been provided within the property accommodating the “Fernbank boarding houses” site, in accordance with Drawing no. DA-1005 Issue C prepared by Allen Jack + Cottier dated 29/04/2021;
 - (c) All relevant roads authority approvals have been obtained (if any) for any required vehicular crossings within the properties to accommodate the shuttle bus and / or the motorbikes; and
 - (d) five motorbike spaces and the shuttle bus parking area do not block any of the useable driveway space within the Fernbank boarding houses site.

Site Audit Statement

- E28. Prior to the issue of the final occupation certificate for the development or at the completion of all remediation works in all stages (whichever occurs first), the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier for information.

PART F POST OCCUPATION

Operation of Plant and Equipment

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Shuttle-bus operation

- F2. The Applicant must operate the shuttle-bus service to ensure sustainable transport management measures are implemented on the site.

Warm Water Systems and Cooling Systems

- F3. 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

- F4. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Heritage Interpretation Plan

- F5. The Applicant must implement the relevant recommendations of the Heritage Interpretation Plan approved under condition D38.

Green Travel Plan

- F6. Within 6 months of issue of the first occupation certificate in relation to this development, a final 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 TfNSW;
 - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) consistent with the GTP dated 21/12/2020 prepared by The Transport Planning Partnership;
 - (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;
 - (e) include additional/all communication/promotional actions associated with the GTP in the Communications Strategy (beyond those relating to the promotion of the Travel Access Guide (TAG);
 - (f) include recommended walking and cycling routes in the TAG; and
 - (g) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
- F7. The Green Travel Plan required by condition F5 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Easements

- F8. Within 6 months after the completion of the stormwater diversion and easement relocation works, the existing stormwater easement must be made redundant and an easement under section 88A and/or restriction or public positive covenant under section 88E of the Conveyancing Act 1919 naming Council as the prescribed authority must be created over the new / relocated stormwater line approved by this consent, which can only be revoked, varied or modified with the consent of the Council.

Operational Noise Limits

- F9. The Applicant must ensure that noise generated by operation of the development including the noise emission from the sports fields do not exceed the noise limits in *Kambala Sport, Wellbeing and Senior Learning Precinct: Noise and Vibration Impact Assessment*, prepared by Wilkinson Murray and dated 28 September 2020 (Revision B).

Unobstructed Driveways and Parking Areas

- F10. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Ecologically Sustainable Development

- F11. 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 C14(b), evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- F12. Notwithstanding condition E18, 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, in accordance with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997).
- F13. The proposed lights for the tennis courts above the Music building must be switched off after 6:15pm.

Long Term Environmental Management Plan

- F14. Upon completion of remediation works, the Applicant must manage the site in accordance with the LTEMP (if any) approved under condition E28 and any on-going maintenance of remediation notice issued by EPA under the *Contaminated Land Management Act 1997*.

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 (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.

Fire Safety Certificate

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

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A27, 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.