

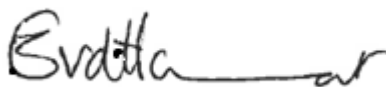
Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Erica van den Honert
Executive Director
Infrastructure Assessments

Sydney

23 September 2022

SCHEDULE 1

Application Number:	SSD-10473
Applicant:	Sydney Catholic Schools
Consent Authority:	Minister for Planning
Site:	264, 270, 282 and 288-290 Miller Street and 25 and 31 Carlow Street and 34-36 and 40 Ridge Street, North Sydney Lot 8, 9 and 10 DP1137247, Lot A, DP 312439, Lot 1 and 2 DP1860, Lot 1 DP 561243, Lot 2 DP561243, Lot 6 DP64401, Lot 1 DP782363, Lot 7 DP 1137247, Lot 7 DP176556, Lot 4, 5, 6, 8 & 9 DP1860, Lot B & C DP312439, Lot 13 and 14 DP1133414, Lot 1 DP747691, Lot 1 DP86012, Lot 3 DP561243, Lot 1 DP310326, Lot 101 DP1110805 and Lot 3 DP561243.
Development:	Alterations and additions to Marist Catholic College, North Shore comprising; <ul style="list-style-type: none">• demolition works, excavation, tree removal and remediation;• provision of temporary demountable buildings;• construction of two four to five-storey buildings fronting Carlow Street and Miller Street to accommodate:<ul style="list-style-type: none">○ science accommodation, library, staff rooms, student support area, student services and general learning areas;○ an auditorium with 1528 seats; and○ an early learning centre (ELC) for 90 students;

- construction of a two-storey pavilion / canteen building;
- alterations, refurbishment and internal reconfiguration of existing buildings including St Mary's Church, Presbytery and Ron Dyer Centre;
- construction of new and amended pick-up/drop-off facilities, vehicle accesses, circulation, car and bicycle parking;
- staged increase of 732 students (including 40 additional ELC and 692 school students) and 61 staff members;
- associated landscaping including rooftop play spaces, a raised walkway and a new public piazza;
- installation of two electrical sub-stations and stormwater infrastructure; and
- construction and operation in seven stages.

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	Sydney Catholic Schools or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	North Sydney Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS, RtS and SRtS, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EHG	Environment and Heritage Group of the Department of Planning and Environment

EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement</i> prepared by Ethos Urban and dated 16 February 2021
ELC	Childcare / Early Learning Centre
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
GFA	Gross Floor Area
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 <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in the RtS,
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
MCCNS	Marist Catholic College North Shore
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.
OTAMP	Operational Transport and Access Management Plan
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PUDO	Pick-up/drop-off
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions / RtS	The response to submissions titled <i>Submissions Report</i> prepared by Ethos Urban and dated 1 November 2021, as updated by the addendum titled <i>Design Amendments Report</i> prepared by Ethos Urban and dated 1 November 2021
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>
SRtS	The supplementary response to submissions titled <i>Response to Submissions Report</i> prepared by Ethos Urban and dated 17 June 2022, 6 July 2022 and 12 September 2022
TfNSW	Transport for New South Wales
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation
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, RtS and SRtS;
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by WMK Architecture			
Dwg No.	Rev	Name of Plan	Date
DA-000	E	COVER SHEET	18/08/22
DA-010	D	EXISTING AND DEMOLITION PLAN – GROUND LEVEL	20/05/22
DA-011	D	EXISTING AND DEMOLITION PLAN – LEVEL 1	20/05/22
DA-021	E	SITE (ROOF) PLAN	18/08/22
DA-100	D	GA PLAN – BASEMENT ZONE 1	20/05/22
DA-101	D	GA PLAN – BASEMENT ZONE 2	20/05/22
DA-102	D	GA PLAN – GROUND ZONE 1	20/05/22
DA-103	D	GA PLAN – GROUND ZONE 2	20/05/22
DA-104	D	GA PLAN – LEVEL 1 ZONE 1	20/05/22
DA-105	D	GA PLAN – LEVEL 1 ZONE 2	20/05/22
DA-106	A	GA PLAN – LEVEL 2 ZONE 1	20/05/22
DA-107	D	GA PLAN – LEVEL 2 ZONE 2	20/05/22
DA-108	D	GA PLAN – LEVEL 3 ZONE 2	20/05/22
DA-109	E	GA PLAN – LEVEL 4 ZONE 2	4/08/22
DA-110	A	ROOF PLAN – ZONE 1	20/05/22
DA-111	B	ROOF PLAN – ZONE 2	4/08/22
DA-112	A	TEMPORARY BUILDINGS PLAN & ELEVATION	20/05/22
DA-200	D	STREETSCAPE ELEVATIONS	20/05/22
DA-210	D	BUILDING ELEVATIONS	20/05/22
DA-211	B	BUILDING ELEVATIONS	20/05/22
DA-220	A	ST. MARY'S CHURCH DRAWINGS	20/05/22
DA-221	A	PARISH CENTRE & CANTEEN DEMOLITION PLANS	20/05/22
DA-222	A	PARISH CENTRE & CANTEEN DEMOLITION ELEVATIONS	20/05/22
DA-223	A	PARISH CENTRE & CANTEEN PLANS	20/05/22
DA-224	A	PARISH CENTRE & CANTEEN PLANS	20/05/22
DA-225	A	PARISH CENTRE & CANTEEN ELEVATIONS	20/05/22
DA-226	A	RON DYER CENTRE DEMOLITION PLAN - BASEMENT	20/05/22

DA-227	A	RON DYER CENTRE DEMOLITION PLAN - GROUND	20/05/22
DA-228	A	RON DYER CENTRE DEMOLITION PLAN - LEVEL 1	20/05/22
DA-229	A	RON DYER CENTRE FLOOR PLAN - BASEMENT	20/05/22
DA-230	A	RON DYER CENTRE FLOOR PLAN - GROUND	20/05/22
DA-231	A	RON DYER CENTRE PLAN	20/05/22
DA-232	A	RON DYER CENTRE ELEVATIONS	20/05/22
DA-233	A	RON DYER CENTRE SECTIONS	20/05/22
DA-300	D	BUILDING SECTIONS	20/05/22
DA-600	D	FAÇADE SECTION	20/05/22
DA-1000	D	GFA DIAGRAMS	20/05/22

Landscape drawings prepared by <i>Oculus</i>			
Dwg No.	Rev	Name of Plan	Date
L-000	D	Cover Sheet	22/04/22
L-001	D	Landscape Masterplan Ground Floor	22/04/22
L-002	D	Landscape Masterplan Roof	22/04/22
L-003	D	Indicative Plant Schedule	22/04/22
L-004	D	Indicative Materials – Palette	22/04/22
L-005	D	Tree Management Plan	23/05/22
L-006	D	Levels and Grading	22/04/22
L-007	B	Planting plan – Ground	22/04/22
L-008	B	Planting plan – Ground	22/04/22
L-009	B	Planting plan – Rooftop	22/04/22
L-010	A	Surface Finishes Plan Church Surrounds	22/04/22
L-011	A	Surface Finishes Plan Church Surrounds	22/04/22
L-100	D	School – Key Plan Ground Floor	22/04/22
L-101	D	School – Key Plan Rooftop	22/04/22
L-102	D	Church Garden	22/04/22
L-103	D	Church Plaza	22/04/22
L-104	D	Shared Courtyard	22/04/22
L-105	D	Central Courtyard	22/04/22
L-106	D	Undercroft Space	22/04/22
L-107	B	Undercroft Space	22/04/22
L-108	D	Rooftop Spaces	22/04/22

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

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.
- A6. This consent does not permit:
- (a) the installation or display of any signage, unless otherwise specified in this development consent;
 - (b) use of the rooftop play spaces above the Carlow and Miller Street buildings by the school outside of school hours as specified in condition F5;
 - (c) the use of the café independently (i.e not in conjunction with the school or church use); and
 - (d) use of the rooftop play spaces above the Carlow and Miller Street buildings by the community at any time.
- A7. The two temporary demountables located north of the St Mary's Presbytery and south of Block A must not be constructed if either or both of them result in blocking the exit of pick-up/drop-off (PUDO) traffic onto Miller Street:
- (a) prior to the construction and operation of the new Carlow Street building basement PUDO; and
 - (b) the amended PUDO facility outside the Ron Dyer Centre.

Student and Staff Numbers

- A8. A maximum population (school and ELC) of 2074 enrolments (732 additional enrolments) and 196 staff (61 additional staff) are permitted at MCCNS at any one time, excluding visitors, including:
- (a) 40 additional ELC enrolments (from 50 to 90);
 - (b) 78 additional primary school enrolments (from 446 to 544);
 - (c) 614 additional secondary school enrolments (from 826 to 1440); and
 - (d) 61 additional staff (from 135 to 196).
- A9. Notwithstanding condition A8:
- (a) the increase in the student population must be staged in accordance with the specific maximum population listed for each stage specified in Table 2 of the Revised Operations Statement dated August 2022, unless otherwise amended by the conditions of this development consent and/or agreed with the Planning Secretary;
 - (b) no increase in the student numbers is permitted unless and until the following transport infrastructure is constructed and operational on the site:
 - (i) the new Carlow Street building basement PUDO facility;
 - (ii) the amended PUDO facility outside the Ron Dyer Centre; and
 - (iii) the 109 bicycle parking spaces and end-of-trip facilities;
 - (c) no increase in student numbers beyond the first increase of 374 students is permitted unless and until the post approval traffic monitoring (condition A10(a)) has occurred and any mitigation measures required in accordance with condition A12 have been implemented;
 - (d) no increase in the staff numbers is permitted until all new and revised staff parking areas are constructed and operational on the site; and
 - (e) the sequential increase in the school population for the relevant substage may only occur once evidence is provided to the satisfaction of the Certifier demonstrating that the specified transport infrastructure for the relevant substage has been completed.

Post approval traffic monitoring

- A10. A suitably qualified independent traffic consultant must undertake a traffic assessment based on the monitoring of the PUDO facilities:
- (a) within 12 months of the initial increase in student population by an additional 374 school students (i.e commencement of use of Stage 02B – 2 unless otherwise updated by condition A17); and
 - (b) within 12 months of the second increase in student/ELC population by an additional 280 students including school students and ELC children (i.e commencement of Stage 04 unless otherwise updated by condition A17).
- A11. The assessment(s) required under condition A10 must:
- (a) include traffic counts at the PUDO facilities during the AM and PM school peak periods; and
 - (b) demonstrate that the proposed PUDO facilities are:
 - (i) adequate to cater for the school traffic;
 - (ii) do not result in queuing back on to Ridge Street or Carlow Street and the adjoining intersections to the east and west; and
 - (iii) do not impede the movement of passing vehicles or other emergency vehicles on the surrounding roads.
- A12. Should the traffic assessment (required by condition A10) demonstrate that the use of one or both PUDO facilities does not achieve the outcomes sought in condition A11(b), the Applicant must:
- (a) prepare an updated Operational Traffic and Access Management Plan (required by condition E13) by the independent traffic consultant, outlining the necessary operational management or physical mitigation measures required to ensure that the PUDO facility/ies operates satisfactorily;
 - (b) provide the updated management plan to Council for endorsement; and
 - (c) provide the Planning Secretary with the updated management plan (including endorsement from Council) for approval.
- A13. The Applicant must obtain all necessary approvals under section 138 of the *Roads Act 1993* from the relevant roads authority (including Council where needed), or other necessary agreements as applicable from the adjoining landowners, and implement any additional physical mitigation measures identified in condition A12 (if any), within six months (unless otherwise agreed with the Planning Secretary) of preparation of the PUDO traffic assessment (required by condition A10) which identifies the need for additional mitigation.
- A14. At any time, outside of the stipulated timeframe for PUDO monitoring outlined in condition A10, if Council identifies significant operational issues at one or both PUDO facilities (including, but not limited to queuing, double parking, illegal parking, illegal PUDO) and contacts the Applicant in this regard, the Applicant must:
- (a) undertake monitoring of the PUDO facility within one month of such a request;
 - (b) include traffic counts at the PUDO facility during the AM and PM school peak periods;
 - (c) demonstrate that the OTAMP, as required by condition E13, is being continually implemented;
 - (d) identify the causes due to which the PUDO facility does not achieve the outcome as desired in the OTAMP; and
 - (e) submit the PUDO review report to Council within 4 months of Council's request.
- A15. If the review of the PUDO facility, required by condition A14, concludes that additional traffic management measures or alterations to the implemented OTAMP are required, then the Applicant must implement additional traffic management measures in consultation with Council within 6 months (unless otherwise agreed with the Planning Secretary) of the request from Council.

Staging

- A16. The project may be constructed and operated in stages in accordance with the terms/conditions of this consent and the details set out in *Marist Catholic College Masterplan - Preliminary Staging Plan* as updated by condition B1.
- A17. Staging of the proposed development may be varied (for either construction or operation) in accordance with a revised Staging Report submitted to and approved by the Planning Secretary.
- A18. Any revised Staging Report prepared in accordance with condition A17 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions (specifically the delivery of infrastructure, ELC fit out and car parking alignment with the proposed student increase) will be achieved across and between each of the stages of the project;
 - (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
 - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A19. The project must be staged in accordance with the details approved under condition A16 unless a revised Staging Report has been approved under condition A17 in which case the project must be staged in accordance with the approved revised Staging Report.
- A20. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

- A21. 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).
- A22. Any strategy, plan or program prepared in accordance with condition A21, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

- A23. 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.
- A24. 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.

Prescribed Conditions

- A25. 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

- A26. 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

- A27. 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.

Structural Adequacy

- A28. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

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

External Walls and Cladding

- A29. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A30. 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.
- A31. 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

- A32. 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

- A33. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

Compliance

- A34. 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

- A35. 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.
- A36. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A37. 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.
- A38. 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.
- A39. 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

- A40. Within three months of:
- (a) the submission of an incident report under condition A35;
 - (b) the submission of an Independent Audit under condition D40;

- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

- A41. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Staging / Construction Management Plan

- B1. Prior to the issue of **any** construction certificate or within 2 months of the date of this consent (whichever is the earlier), the *Marist Catholic College Masterplan - Preliminary Staging Plan* prepared by WMK and CTPG dated 23 May 2022 must be updated to accurately reflect the revised staged increase in student numbers and the revised sequence of the staged physical construction as set out in the updated *Statement of Operations* dated August 2022. The revised plan must be approved by the Certifier.

Landscaping Design Amendments

- B2. Prior to the issue of any relevant construction certificate, the landscaping plans and report approved under condition A2, must be revised and submitted to the Certifier, including:
- (a) confirmation that the trees to be planted on the site have a minimum pot container of 75 litres or greater and feature trees have a minimum pot size of 200 litres or greater;
 - (b) details of street tree planting with species and spacing of trees determined in consultation with Council; and
 - (c) details confirming that no services/drainage lines traverse through the structural root zone of any tree or else sensitive techniques (e.g, boring) are proposed in the areas where encroachment within a tree protection zone is unavoidable.

ELC Design and Layout

- B3. Prior to the issue of any relevant construction certificate for the ELC, plans that have been certified by a suitably qualified person to be compliant with the *Education and Care Services National Regulations* must be submitted to the satisfaction of the Certifier and to the Planning Secretary for information. The plans must include the following:
- (a) provision of laundry facilities;
 - (b) toilet and hygiene facilities appropriate to the development stage and age of the children under care within the centre; and
 - (c) adequate nappy change facilities appropriate to the developmental stage and age of children under care within the centre.

Flood Management

- B4. Prior to the issue of any relevant construction certificate, the construction certificate plans must demonstrate to the satisfaction of the Certifier, that all floor levels (excluding basement level but including the basement entrance point) are no lower than the 1% Annual Exceedance Probability flood.
- B5. Prior to the issue of any relevant construction certificate, the construction certificate plans must demonstrate to the satisfaction of the Certifier, that any structures on or below the 1% Annual Exceedance Probability (i.e, not complying with the requirements of condition B4) are constructed of flood compatible building components.

External Walls and Cladding

- B6. Prior to the issue of any relevant construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the 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 – Mechanical Plant, Equipment and School Bell / PA System

- B7. Prior to installation of mechanical plant, equipment and any new school bell / PA system:
- (a) a detailed assessment of mechanical plant, equipment and school bell / PA system in compliance with the relevant project noise trigger levels as recommended in the document titled *Noise & Vibration Impact Assessment Ref:301348236* prepared by

Stantec Australia and dated 26 April 2021, as updated by the conditions of this consent, must be undertaken by a suitably qualified acoustic consultant; and

- (b) evidence must be submitted to the satisfaction of the Certifier that any noise mitigation recommendations identified in the assessment carried out under condition B7(a) have been incorporated into the design of the development.

Operational Waste Storage and Processing

- B8. Prior to the issue of any relevant construction certificate for the operational waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Design of the operational waste storage area must be approved by the Certifier and evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

Operational Car Parking and Service Vehicle Layout

- B9. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
 - (a) all vehicles can enter and leave the site in a forward direction;
 - (b) a maximum of 114 on-site car parking spaces are included for use during operation of the development, including 54 spaces for staff parking, 10 spaces for the ELC and 50 spaces for Parish / visitors during school hours;
 - (c) all car parking is designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
 - (d) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

Bicycle Parking and End-of-Trip Facilities

- B10. Prior to the issue of any relevant construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
 - (a) the provision of a minimum 109 bicycle spaces, including 10 staff and 99 student bicycle parking spaces outlined in plans listed in condition A2;
 - (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;
 - (c) bicycle parking and end-of-trip facilities for staff and students in accordance with AS1742.9:2018 Manual of Uniform Traffic Control Devices - Bicycle Facilities, and Cycling Aspects of Austroads Guides; and
 - (d) the provision of end-of-trip facilities for staff and students.

Public Domain Works

- B11. Prior to the issue of any relevant construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit all Council approved documentation of each stage to the Certifier for information.

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

Stormwater Management System

- B12. Prior to the issue of any relevant construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the EIS and the civil drawings listed below:

Civil drawings prepared by <i>Warren Smith & Partners</i>			
Dwg No.	Issue	Name of Plan	Date
C1.01	2	COVER SHEET	15/12/21
C1.02	2	SPECIFICATION NOTES	15/12/21
C1.03	2	EXISTING SURVEY	15/12/21
C1.04	2	KEY PLAN	15/12/21
C2.01	2	SEDIMENT & EROSION CONTROL PLAN	15/12/21
C2.02	2	SEDIMENT & EROSION CONTROL DETAILS	15/12/21
C4.01	2	SITEWORKS PLAN – SHEET 1	15/12/21
C4.02	2	SITEWORKS PLAN – SHEET 2	15/12/21
C4.51	2	SITEWORKS DETAILS	15/12/21
C6.01	2	STORMWATER LAYOUT PLAN – SHEET 1	15/12/21
C6.02	2	STORMWATER LAYOUT PLAN – SHEET 2	15/12/21
C6.03	1	STORMWATER PIT SCHEDULE	15/12/21
C6.04	2	STORMWATER CATCHMENT PLAN	15/12/21
C6.06	2	STORMWATER DRAINAGE DETAILS	11/12/21
C6.07	2	WSUD TREATMENT DEVICE DETAILS	11/12/21

- (c) be in accordance with applicable Australian Standards;
- (d) include the recommendations of the *Flood Risk Assessment* prepared by Warren Smith Consulting Engineers dated 4 June 2021; and
- (e) 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.

Nominated Heritage Architect

- B13. Prior to the issue of any relevant construction certificate relating to any works to the heritage items on the site, an appropriately qualified and experienced heritage architect (referred to as the Nominated Heritage Consultant) must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters. Written details of the engagement of the Nominated Heritage Consultant must be submitted to the Certifier prior to the issue of any Construction Certificate.

Note: If advice provided by the nominated heritage consultant is to the effect that works requiring development consent be carried out, such works would require a modification or further development application under the *Environmental Planning and Assessment Act 1979*. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

Design Modifications to Development

- B14. The construction certificate plans must include the following details or information in respect to the heritage buildings:
- (a) measured drawings and detailed photographic recording of the fabric and structure of the confessional area of St Mary's Church to be modified;
 - (b) architectural details of the openings and new doors to go into new opening on the northern elevation of St Mary's Church at 1:5 scale;
 - (c) details of the repaired and reconstructed first-floor verandah balconies, where the later infill windows are to be removed, to be prepared at 1:5 scale;

- (d) schedule of salvaged items to be retained and adapted; and
- (e) schedule of salvaged items to be stored on site or disposed of, including secure storage location.

Heritage Item Compliance

- B15. The construction certificate plans/documentation must include details of Building Code of Australia (BCA) and Disability Discrimination Act works to and or affecting the heritage buildings.
- B16. The plans required in condition B15 must be reviewed by the Nominated Heritage Consultant and any recommendations or feedback on the design must be implemented to avoid adverse heritage impacts.
- B17. The updated construction certificate plans, incorporating recommendations of the Nominated Heritage Consultant must be submitted to the satisfaction of the Certifier, prior to the issue of any relevant construction certificate.

Connecting with Country

- B18. Prior to the issue of any relevant construction certificate, the Applicant must prepare a detailed Connecting with Country Strategy to the Planning Secretary's satisfaction. The strategy must:
 - (a) be prepared by a qualified Connecting with Country consultant;
 - (b) include evidence of consultation with the local Aboriginal community, Council, school users and key stakeholders;
 - (c) include evidence of engagement with the Government Architect's Designing with Country Framework; and
 - (d) include proposed methods of integration of the recommended outcomes / works of the Strategy into the development, including any necessary amendments to the proposed buildings or landscaping plans to accommodate this.

Geotechnical

- B19. Prior to the issue of any relevant construction certificate which involves building works below the existing ground level, the Applicant must prepare a final Geotechnical Report to the satisfaction of the Certifier. The report must:
 - (a) be prepared by a suitably qualified professional in consultation with and be endorsed by Council;
 - (b) be consistent with:
 - (i) the document titled *Geotechnical Investigation Report no.9625.1-GR-1-1* prepared by Alliance Geotechnical dated 23 October 2020;
 - (ii) the 'Geotechnics' mitigation measures contained with the Revised Mitigation Measures at Chapter 7.0 of the RtS report; and

ensure bulk excavation, shoring, retaining wall(s) and structural requirements for works adjacent to Council property do not have an unreasonable impact on those assets.

Roadworks

- B20. Prior to the issue of any relevant construction certificate for roadworks, vehicular crossings and kerbs, the Applicant must submit, full design engineering plans and specifications for the following works to the relevant road's authority for approval:
 - (a) the removal of all redundant vehicular crossings on Miller Street and Carlow Street and replacement with new kerb and gutter;
 - (b) adjacent road pavement reconstruction;
 - (c) the construction of new driveway accesses (where required) designed as per the Road Authority's requirements and Road Safety check recommendations; and
 - (d) signage and line-marking details.
- B21. All works within the adjoining road reserve must be approved by the relevant road's authority (Council and/or Transport for NSW (TfNSW)) under section 138 of the *Roads Act 1993*.

Development Contributions

- B22. Prior to issue of any construction certificate (not including demolition), a Section 7.12 levy totalling 1% of the proposed cost of carrying out the development, being \$893,772.67 (as indexed), must be paid to Council in accordance with Section 7.12 of the EP&A Act and North Sydney Local Infrastructure Contributions Plan 2020. Prior to payment Council can provide the value of the indexed levy. The payment of the levy may be staged, if agreed with Council and evidence provided to the Planning Secretary.

Sydney Metro

- B23. Prior to the issue of any relevant construction certificate, the Applicant must submit all final construction drawings to Sydney Metro for endorsement.
- B24. A copy of the endorsed drawings required by condition B23 must be submitted to the Certifier for information.
- B25. If the design drawings submitted to Sydney Metro in the document titled Engagement with Sydney Metro dated 5 September 2021 are updated, then prior to the issue of any construction certificate, the Applicant must submit the following for review and endorsement of Sydney Metro:
- (a) the amended construction drawings;
 - (b) engineering statement outlining such changes; and
 - (c) in case of significant changes, a re-assessment of foundation layout and loads to demonstrate the acceptability of such changes by Sydney Metro.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

Certified Drawings

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

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

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

Pre-Construction Survey – Adjoining Properties

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential and non-residential buildings that are likely to be impacted by the development.
- C6. Where the offer for a pre-construction survey is accepted (as required by condition C5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7. Prior to the commencement of any construction, the Applicant must undertake a full dilapidation survey and report on the visible and structural condition of the following heritage listed buildings, where they fall within the 'zone of influence' of the required excavation works:
 - (a) St Mary's Primary School, 40 Ridge Street, North Sydney, I0970;
 - (b) St Mary's Catholic Church, 264 Miller Street, North Sydney, I0971;
 - (c) St Mary's Catholic Presbytery, 264 Miller Street, North Sydney, I0972;
 - (d) North Sydney Hotel, 292 Miller Street, North Sydney, I0915;
 - (e) North Sydney Oval, Miller Street, North Sydney, I1125; and
 - (f) North Sydney Bus Shelter, I0407.

Note: The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

- C8. The dilapidation report and survey must be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.
- C9. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C6 and C7, the Applicant must:

- (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
- (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
- (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Community Communication Strategy

C10. No later than two weeks before the commencement of any construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

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

Demolition

C11. Prior to the commencement of demolition, a 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

C12. 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

C13. Prior to the commencement of any construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must be consistent with the preliminary Construction Management Plan (CMP) dated 27 May 2022. The CEMP include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work, which must be consistent with the construction hours at conditions D4 to D8;
 - (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 C10;
 - (viii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C15);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition C16);
 - (d) Construction Soil and Water Management Sub-Plan (see condition C17);
 - (e) Construction Flood Emergency Management Sub-Plan (see condition C18);
 - (f) an unexpected finds protocol for contamination and associated communications procedure;
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
 - (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- C14. 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.
- C15. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) be generally consistent with the *Preliminary Construction Management Plan* ;
 - (d) detail:
 - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
 - (iii) heavy vehicle routes, access and parking arrangements;
 - (iv) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2;
 - (v) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s); and
 - (e) confirmation that all necessary approvals have been obtained from the Roads Authority for any construction zones within the road reserve.
- C16. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;

- (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition C16(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction;
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with condition C12; and
 - (h) include specific details of vibration monitoring and management relating to heritage buildings within and adjoining the site.
- C17. 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 will 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 [flood prone sites]).
- C18. The Construction Flood Emergency Management Sub-Plan (CFEMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EHG);
 - (c) include details of:
 - (i) the flood emergency responses for construction phases of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors, and students.

Soil and Water

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

Construction Parking

- C20. Prior to the commencement of any construction, the Applicant must provide sufficient parking facilities on-site for heavy vehicles (except construction workers vehicles), to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.
- C21. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;

- (b) minimise conflicts with other road users;
- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

Construction Worker Transportation Strategy

- C22. Prior to the commencement of any construction, 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.

Biodiversity

- C23. Prior to the commencement of any vegetation clearing, the direct and indirect mitigation measures contained within the *Biodiversity Development Assessment Report* prepared by Narla Environmental and dated October 2021 must be implemented.

Outdoor Lighting

- C24. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Ecologically Sustainable Development

- C25. Prior to the commencement of any relevant construction or 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.

Site Contamination

- C26. 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. Evidence of the appointment of the Site Auditor must be provided to the Certifier prior to the commencement of construction.

Aboriginal Heritage

- C27. Prior to the commencement of any construction, the Applicant must consult with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity.

Tree Bond

- C28. Prior to the commencement of any construction, including any demolition or earthworks, a Tree Bond of \$197,000 must be provided to Council as security for any damage that may be caused to significant trees indicated for retention. The Tree Bond must be submitted as cash, an unconditional bank guarantee or insurance bond to Council as security for completion of the obligations under this consent (Guarantee).
- C29. The Guarantee will be retained in full until works, including rectification of damage to the public domain, are completed to Council's satisfaction. On satisfying the above requirements the Guarantee will be released.

Photographic Archival Recording

- C30. Prior to the commencement of any construction, including demolition and earthworks, photographic survey recording, in accordance with the NSW Heritage Office Guidelines "Photographic recording of Heritage Items using file or digital capture", must be prepared for the entire site and the heritage significant buildings. Two (2) copies of the photographic survey must be provided to North Sydney Council.

Sydney Metro

- C31. Prior to the commencement of the relevant stage of construction, the Certifier must submit written verification to Sydney Metro to demonstrate that conditions B23 to B25 have been complied with.

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 complaints 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.

Operation of Plant and Equipment

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

Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C11.

Construction Hours

- D4. Construction may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive;
 - (b) between 8am and 1pm, Saturdays; and
 - (c) No work may be carried out on Sundays or public holidays.
- D5. The delivery of construction materials to and from the site must occur during the construction hours (condition D4). However, within the construction hours, no construction vehicle movements are to occur during school drop-off (8am to 9:30am) and pick-up (2:30pm to 4:00pm) times on school days.
- D6. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where 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 D5 must be given to affected residents before undertaking the activities or as soon as 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 submitted CEMP (including Sub-Plans).

Construction Traffic

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

Hoarding Requirements

- 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 *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented in accordance with the management and mitigation measures identified in the approved CNVMSP.
- 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 conditions D4 and 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 C15 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 / property boundary/ies must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on and adjoining the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact*

Assessment Tree Protection Specification Revisions C prepared by Tree IQ and dated 16 May 2022; 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.

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.

Emergency Management

D25. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

Aboriginal Cultural Heritage

D26. Within 6 months of commencement of the first stage of construction the site card for Myrtle Street (Aboriginal Heritage Information Management System (AHIMS) #45-6-0825) with the corrected location must be prepared and provided to AHIMS for information in accordance with the recommendations of *Aboriginal Cultural Heritage Assessment Report* prepared by Kayandel Archaeological Services dated December 2020.

D27. Construction must be undertaken in accordance with the recommendations of the *Aboriginal Cultural Heritage Assessment Report* prepared by Kayandel Archaeological Services dated December 2020, including:

- (a) confining all land and ground disturbance activities to be within the study area;

- (b) stopping work and undertaking archaeological assessment if parameters of the proposal extend beyond the study area in the *Aboriginal Cultural Heritage Assessment Report* prepared by Kayandel Archaeological Services dated December 2020;
- (c) ceasing work in that area, if, during the course of development works, suspected Aboriginal cultural heritage material is uncovered in any disturbance area and meeting the requirements of condition D28 in this situation;
- (d) continuing consultation with the Registered Aboriginal Parties about the progression of the project until such time as the approved works have been completed; and
- (e) sending a copy of the final report to the Registered Aboriginal Parties.

Note: With reference to (e) above, a period of no longer than six (6) months between contact with the Registered Aboriginal Parties must be upheld for the consultation to be considered 'continuous'. If a period of longer than six (6) months occurs between contact with the Aboriginal stakeholders, consultation will need to be re-started.

Unexpected Finds Protocol – Aboriginal Heritage

D28. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site must be registered in the AHIMS which is managed by Environment and Heritage Group (EHG) and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EHG to develop and implement management strategies for all objects/sites. Works may only recommence with the written approval of EHG.

Unexpected Finds Protocol – Historic Heritage

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

Damage of Heritage Fabric

D30. Should any portion of the existing heritage items within the site (indicated on the approved plans in condition A2) to be retained be damaged due to works pursuant to this development consent, all the works in the area of the damaged portion must cease and written notification of the damage must be provided to the Planning Secretary. No work may resume until the written approval of Planning Secretary to do so is obtained.

Waste Storage and Processing

- D31. 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.
- D32. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D33. 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.
- D34. 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.
- D35. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting During Construction

D36. 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

- D37. Remediation of the site must be carried out in accordance with the *Remedial Action Plan* prepared by Alliance Geotechnical and dated 16 December 2020 (RAP) and any variations to the RAP approved by an NSW EPA-accredited Site Auditor, prior to commencement of any construction involving earthworks.
- D38. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D39. The Applicant must ensure the 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

- D40. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D41. 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.
- D42. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 week's notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- D43. 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 D40 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- D44. 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.
- D45. 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 any relevant occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

External Walls and Cladding

- E2. Prior to the issue of any relevant occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the 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 – Protection of Public Infrastructure

- E4. Prior to the issue of any relevant occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition C4 of this consent;
 - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads);
 - (c) be submitted to the Certifier;
 - (d) be forwarded to Council for information; and
 - (e) be provided to the Planning Secretary when requested.

Repair of Public Infrastructure

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

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

Road Damage

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

Post-Construction Survey – Adjoining Properties

- E7. Where a pre-construction survey has been undertaken in accordance with condition C6 and C7, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:

- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition C6 and C7;
 - (b) be provided to the owner of the relevant buildings surveyed;
 - (c) be provided to the Certifier; and
 - (d) be provided to the Planning Secretary when requested.
- E8. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Utilities and Services

- E9. Prior to the issue of any relevant occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.
- E10. Prior to the issue of any relevant occupation certificate adjustments to any public utilities necessitated by the development must be completed in accordance with the requirements of the relevant public authority at no cost to Council.

Works as Executed Plans

- E11. Prior to the issue of any relevant occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Green Travel Plan

- E12. Prior to the commencement of operation of the first stage of the development as approved by this development consent, a Green Travel Plan (GTP) must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with, and endorsed by, TfNSW;
 - (b) consider the *draft Green Travel Plan* prepared by TTPP and dated 2 August 2021 submitted with the RtS;
 - (c) include the following:
 - (i) analysis of current travel survey data and school postcode data and discussion of how this data has informed the mode share targets and actions of the GTP;
 - (ii) number of staff and students within reasonable walking / cycling distance;
 - (iii) staged mode share targets for staff, students and visitors which reflect a commitment to increase non-car mode share for travel to and from the site;
 - (iv) implementation strategy that commits to specific actions (including operational procedures to be implemented along with timeframes) to encourage the use of public and active transport and discourage the use of single occupant car travel to access the site;
 - (v) details of bicycle parking and dedicated end of trip facilities including but not limited to lockers, showers and change rooms and e-bike charging station(s) for staff and students to support an increase in the non-car mode share for travel to and from the site;
 - (vi) a Transport Access Guide for staff, students and visitors providing information about the range of travel modes, access arrangements and supporting facilities that service the site;
 - (vii) measures to discourage staff from using St Mary's Church / Parish Office parking spaces;

- (viii) a communication strategy for engaging with students, staff and visitors regarding public and active transport use to the site and the promotion of the health and wellbeing benefits of active and non-car travel to the site;
- (ix) a mechanism to monitor the effectiveness of the measures of the plan;
- (x) details of appointment of a Travel Plan Coordinator responsible for implementing the plan and its ongoing monitoring and review, including the delivery of actions and associated mode share targets;
- (d) be reviewed annually for at least the first five years after the first increase of students and involve surveys, evaluation and review; and
- (e) be implemented and adhered to at all times by the applicant following the issue of the first occupation certificate.

Operational Transport and Access Management Plan (OTAMP)

E13. Prior to the commencement of operation of the Stage 02B-2 of the development as identified in *Marist Catholic College Masterplan - Preliminary Staging Plan* as updated by condition B1 and amended by condition A18 (if revised staging proposed), whichever occurs earlier, 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 facilities located within the Carlow Street building basement and outside the Ron Dyer Centre, including staff management/traffic controller arrangements. Staff / personnel are to monitor and manage the PUDO facilities during the peak pick-up/drop-off times on school days;
- (d) procedures to ensure that drivers within PUDO queues do not undertake PUDO within the circulation roads;
- (e) 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/drop-off facilities;
- (f) details to confirm methods to be implemented within the Carlow Street basement PUDO facility to separate the PUDO spaces from the passing lane;
- (g) any staggering of start/finish times with evidence to demonstrate that it has been determined through a revised travel questionnaire and monitoring;
- (h) delivery and services vehicle and bus access and management arrangements;
- (i) details confirming that service vehicle access would occur outside peak school times;
- (j) management of approved access arrangements;
- (k) car parking arrangements and management associated with the proposed use of school facilities by community members;
- (l) specific car parking arrangements and management associated with the proposed use of the auditorium by users outside of school (including parents and community); and
- (m) an annual monitoring and review program.

Mechanical Ventilation

E14. Prior to the issue of any relevant occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and

- (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise

- E15. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence to the Certifier that the following noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels (including the internal noise limits) identified in the document titled *Noise & Vibration Impact Assessment Ref:301348236* prepared by Stantec Australia and dated 26 April 2021;
- (a) noise mitigation measures required under condition B7; and
 - (b) operational noise mitigation measures identified in the *Noise & Vibration Impact Assessment Ref:301348236* prepared by Stantec Australia and dated 26 April 2021.

Acoustic Treatment of the Carlow Street Building Undercroft

- E16. Prior to the first use of the Carlow Street building undercroft, the acoustic treatments / materials outlined in *Marist Catholic College North Shore (SSD-10473) dated 20 May 2022 prepared by WMK and SSDA Architectural Design Statement dated 30 May 2022* prepared by WMK and CTPG must be installed within that space, and include, but not limited to:
- (a) acoustic lining to the underside of the soffits to diminish the noise and reverberation within the space;
 - (b) soft planting to create a barrier between the differing areas, and to assist in dampening noise/sound; and
 - (c) textured finishes and soft surfaces on the loose furniture to absorb sound.

Car Parking, Service Vehicles and Bicycle Parking Arrangements

- E17. Prior to the issue of any relevant occupation certificate, evidence must be submitted to the satisfaction of the Certifier that demonstrates that:
- (a) the car-parking and service vehicle areas comply with the requirements of condition B9;
 - (b) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads' authority;
 - (c) the location and design of the bicycle spaces comply with the provisions of condition B10;
 - (d) end-of-trip facilities for staff and students are provided; and
 - (e) appropriate pedestrian and cyclist advisory signs are provided.

Roadworks

- E18. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence to the Certifier demonstrating that the roadworks, vehicular crossing and kerbs (as applicable) as required by condition B20 have been constructed and all relevant approvals have been obtained in accordance with condition B21.

Fire Safety Certification

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

Structural Inspection Certificate

- E20. Prior to the issue of any relevant occupation certificate for the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Compliance with Food Code

- E21. Prior to the issue of any relevant occupation certificate for the café / pavilion, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *AS 4674 Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Stormwater Quality Management Plan

- E22. Prior to the issue of any relevant occupation certificate, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the SOMP. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Warm Water Systems and Cooling Systems

- E23. The installation of warm water systems and water-cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water-cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

- E24. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- E25. Prior to the issue of any relevant occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E26. Prior to the issue of any relevant occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Operational Waste Management Plan

- E27. Prior to the issue of any relevant occupation certificate, the Applicant must prepare an Operational Waste Management Plan (OWMP) for the development and submit it to the Certifier. The OWMP must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in the document titled *Marist Catholic College North Shore Operational Waste Management Plan* prepared by Waste Audit and dated December 2020.

Site Contamination

- E28. Prior to the issue of the relevant occupation certificate, 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.

Landscaping

- E29. Prior to the issue of any relevant occupation certificate, landscaping of the site must be completed in accordance with landscape plan(s) in condition A2 as amended by condition B2.
- E30. Prior to the issue of any relevant occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
 - (b) incorporate the indirect impact mitigation measures indicated in the BDAR relevant to the ongoing operation of the development.

Connecting with Country

- E31. Prior to the issue of any relevant occupation certificate, the Connecting with Country works must be completed in accordance the requirements of condition B18.

Operational Flood Emergency Management Plan

- E32. Prior to the issue of an occupation certificate, an Operational Flood Emergency Management Plan must be submitted to the Certifier that:
- (a) has been prepared by a suitably qualified and experienced person(s);
 - (b) be consistent with the recommendations of *Flood Risk Assessment* prepared by Warren Smith Consulting Engineers dated 4 June 2021;
 - (c) has been prepared in consultation with NSW State Emergency Service (SES) noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;
 - (d) incorporates and complies with all advice provided by NSW State Emergency Service at condition E32(c) (where applicable);
 - (e) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);
 - (f) incorporates the following:
 - (i) the flood emergency management protocols for the operational phase of the development;
 - (ii) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students and visitors (if applicable);
 - (iii) strategies such as early or pre-emptive school closure, and other management requirements where relevant and where consistent with SES advice;
 - (iv) clear emergency management triggers and responses;
 - (v) flood warning time and flood notification;
 - (vi) assembly points and flood free routes where required;
 - (vii) clear roles and responsibilities for emergency flood management within the school;
 - (viii) access roads within the wider catchment, relevant to staff and caregivers, that will not be flood affected under certain flood events (not limited to Probable Maximum Flood events);
 - (ix) clear messaging and communication protocols including signage; and
 - (x) clear requirements that the Plan be regularly reviewed.
 - (g) recognises that the SES is the lead combat agency for floods and state that any flood response directive issued by the SES must be followed; and

- (h) include details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members.
- E33. A copy of the Flood Emergency Management Plan (required by condition E32) must be provided to the Planning Secretary for information.

Security and access control

- E34. Prior to the issue of the relevant occupation certificate, the Applicant must demonstrate, to the satisfaction of the Certifier, that the publicly accessible piazza is separated from the school (either via permanent or temporary access control measures such as fencing, landscaping or management measures) to:
- (a) ensure security of the students within the MCCNS is maintained at all times; and
 - (b) no conflict arises between vehicle movements within the site and pedestrians within the piazza.
- E35. Prior to the issue of the relevant occupation certificate for the landscaping works, the Applicant must demonstrate to the satisfaction of the Certifier that the publicly accessible piazza is unfenced along its southern frontage (Miller Street) so as to not inhibit public access at any time unless specified by a condition of this development consent (such as security reasons or out of hour events which may require temporary closure of the piazza for the public).

School Operational Management Plan

- E36. Prior to commencement of operation of Stage 02B-2 of the development as identified in *Marist Catholic College Masterplan - Preliminary Staging Plan* as updated by condition B1 and amended by condition A18 (if revised staging proposed), a School Operational Management Plan must be prepared and submitted to the Certifier for information. The plan must:
- (a) be consistent with and incorporate the recommendations of the *Preliminary Operational Management Plan* dated May 2022;
 - (b) include details of operational hours, community use of the school facilities;
 - (c) include details of the management of the PUDO zone;
 - (d) include details of shared use of the piazza between the public and the school;
 - (e) include waste and servicing management measures including confirmation that vehicles will not access the loading dock during school peak times;
 - (a) include details of school and public access and security measures relating to the use of the piazza in accordance with conditions E34 and E35;
 - (b) include details of noise management within the school, playgrounds and auditorium consistent with the recommendations of the document titled *Noise & Vibration Impact Assessment Ref:301348236* prepared by Stantec Australia dated 26 April 2021; and
 - (c) confirm that the rooftop play spaces above the Miller and Carlow Street buildings would not be made available for community use.

ELC Operational Management Plan

- E37. Prior to commencement of operation of the ELC, an ELC Operational Management Plan must be prepared and submitted to the Certifier and Planning Secretary for information. The plan must include:
- (a) details to confirm that the operating hours of the premise are in accordance with the hours of operation at condition F5;
 - (b) details to confirm that outdoor play times for the ELC children are to only occur between 7am and 6pm;
 - (c) a playtime program with specific reference to management measures during the use of the outdoor play space; and
 - (d) access control measures for the ELC and separation from the school use.

PART F POST OCCUPATION

Road Safety Audit

- F1. Within 3 – 6 months following the first increase in student numbers by 514 students, the Applicant must appoint a suitably qualified accredited auditor to undertake a Road Safety Audit (RSA) on the pedestrian routes to/from the school including surrounding intersections and pedestrian crossings. The RSA must determine whether the pedestrian routes, intersections and crossings can safely accommodate the additional demand placed on them by the increase in student numbers.
- F2. The results of the RSA and the relevant recommendations, including any measures to improve road safety must be submitted to the Certifier for information within one month of undertaking the RSA.
- F3. Based on the recommendations of the RSA, appropriate road safety and/or traffic management measures must be implemented (if required), in consultation with Council and TfNSW, within 3 months of the RSA and evidence submitted to the satisfaction of the Certifier and a copy submitted to the Planning Secretary for information.

Piazza Public Access

- F4. Following its completion, the piazza must:
- (a) be open for use by the public 24-hours a day, seven days a week (unless otherwise specified by a condition of this development consent);
 - (b) must not be closed except for essential maintenance, repair, to implement any security measure identified in *Response to request for further information* prepared by Ethos Urban dated 12 September 2022 or in the case of an emergency;
 - (c) remain unfenced along its southern (Miller Street) frontage; and
 - (d) provide public access in accordance with the security and access control requirements (conditions E34 and E35) and the School Operational Management Plan (condition E36).

Operating Hours

- F5. The operating hours of the development are restricted to the following:
- (a) School: 7am to 6pm Monday to Friday;
 - (b) School Out of school hours care (OOSH): 6am to 7am and 6pm to 10pm Monday to Friday;
 - (c) ELC: 7am to 6pm Monday to Friday;
 - (d) Community use of school site:
 - (i) 6pm to 10pm weekdays; and
 - (ii) 6am to 10pm weekends.

Out of Hours Event Management Plan

- F6. Prior to the commencement of the first out of hours events (school use) run by the school that involve 100 or more people, the Applicant is to prepare a School Use Out of Hours Event Management Plan and submit it to the Council for information. The plan must be made publicly available on the school's website at least one week prior to the event and include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) details of the use of school site (i.e. library, auditorium, outdoor areas and piazza) where applicable, restricting use before 8am and after 10pm, as well as ensuring that attendees of events have left the school site before 10pm;

- (f) restrict the use of the outdoor play spaces outside of school hours, as stipulated by this development consent;
 - (g) measures to minimise localised traffic and parking impacts; and
 - (h) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan to ensure compliance with *Noise Policy for Industry* (2017).
- F7. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.
- F8. Prior to the commencement of out of hours events (community use) run by the external parties that involve 100 or more people, the Applicant is to prepare a Community Use Out of Hours Event Management Plan in consultation with Council and submit it to Council for information. The plan must be made publicly available on the school's website at least one week prior to the event and include the following:
- (a) the number of attendees, time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) where relevant, a schedule of all annual events;
 - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) details of the use of the school site (i.e. library, auditorium, outdoor areas and piazza), where applicable, restricting use before 8am and after 10pm as well as ensuring that attendees of events have left the school site before 10pm;
 - (f) restrict the use of the outdoor play spaces outside of school hours, as stipulated by this development consent;
 - (g) measures to minimise localised traffic and parking impacts; and
 - (h) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan to ensure compliance with *Noise Policy for Industry* (2017).
- F9. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

Operational Noise Limits

- F10. The Applicant must ensure that noise generated by operation of the school, ELC, OOSH and community use does not exceed the noise limits in the document titled *Noise & Vibration Impact Assessment Ref:301348236* prepared by Stantec Australia and dated 26 April 2021.
- F11. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry 2017 (or any other latest versions) where valid data is collected six months after the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise limits including mechanical plant and internal noise limits identified in the *Noise & Vibration Impact Assessment Ref:301348236* prepared by Stantec Australia and dated 26 April 2021.
- F12. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Loading Dock Hours of Operation

- F13. The loading dock within the ground floor of the Carlow Street building must only operate:
- (a) 7am to 10pm weekdays;
 - (b) not at all during the school drop-off hours (8am to 9:30am) and pick-up hours (2:30pm to 4:00pm); and

- (c) not at all on weekends, public holidays.

Operation of Plant and Equipment

- F14. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- F15. 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

- F16. The Community Communication Strategy (condition C10) must be implemented for a minimum of 12 months following the completion of construction.

Ecologically Sustainable Development

- F17. 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 C25, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- F18. Notwithstanding condition E24, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Implementation of Various Operational Management Plans

- F19. The following operational management plans (and any updates to those plans), must be implemented and adhered to at all times by the Applicant following the issue of the relevant occupation certificate:
- (a) Green Travel Plan (condition E12);
 - (b) Operational Transport Access Management Plan (condition E13);
 - (c) Stormwater Operational and Maintenance Plan (condition E22);
 - (d) Operational Waste Management Plan (condition E27);
 - (e) Operational Landscape Management Plan (condition E30);
 - (f) Operational Flood Emergency Management Plan (condition E32);
 - (g) School Operational Management Plan (condition E36);
 - (h) ELC Operational Management Plan (condition E37); and
 - (i) Out of Hours Event Management Plans (condition F6 and condition F8).

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

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

Legal Notices

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

Access for People with Disabilities

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

Utilities and Services

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

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

Road Design and Traffic Facilities

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

Road Occupancy Licence

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

SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

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

Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Speed limit authorisation

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

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

Fire Safety Certificate

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

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A35 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.