

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.

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.

Annelise Tuor (Chair)
Member of the Commission

Soo-Tee Cheong
Member of the Commission

Chris Wilson
Member of the Commission

Sydney

20 September 2019

SCHEDULE 1

Application Number:	SSD 8669
Applicant:	St Aloysius' College Limited
Consent Authority:	Independent Planning Commission
Site:	Junior Campus, 29 Burton Street (Lot 1 DP830667) Senior Campus, 1-5 Jeffreys Street (Lot 101 DP1108496) and Main Campus, 47 Upper Pitt Street (Lot 10 DP880841).
Development:	Concept proposal and first stage of works for the redevelopment of St Aloysius' College including: • Concept proposal for the staged redevelopment of the Junior, Senior and Main campuses including partial demolition, refurbishment and alterations and additions to existing buildings to provide new teaching and learning spaces and new multi-purpose / sports facilities. • Stage 1 works comprising: ○ alterations and a ground floor addition to the Wyalla building on the Senior Campus and internal refurbishment and upgrades to existing teaching and learning facilities. ○ the demolition and rebuild of the north-east wing building on the Main Campus, construction of a new infill building in the existing quadrangle, and associated refurbishment of north wing, south wing, great hall and chapel.

Modifications: **SSD-8669-MOD-1: modification of the consent to facilitate online/remote learning.**

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	St Aloysius' College Limited or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Conditions of this consent	The conditions contained in Schedule 2 and 3 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following: • building and road dilapidation surveys; • investigative drilling, investigative excavation or Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
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, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising St Aloysius' College Redevelopment, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EESG	The Environment, Energy and Science Group of the Department of Planning, Industry and Environment
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement St Aloysius' College Redevelopment (Concept Master Plan and Built Form Approval)</i> , prepared by WillowTree Planning dated 12 April 2018, submitted with the application for consent for the development.
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>

EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage NSW	Heritage NSW, Community Engagement, Department of Premier and Cabinet
Heritage Item	A place, building, work, relic, archaeological site, tree, moveable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the Heritage Act 1977 (NSW), a state agency heritage and conservation register under section 170 of the Heritage Act 1977 (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the National Parks and Wildlife Act 1974 (NSW)
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>
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 Part K of the EIS and as modified in the Response to Submissions
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 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
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Principal Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
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	The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	Junior Campus, 29 Burton Street (Lot 1 DP830667) Senior Campus, 1-5 Jeffreys Street (Lot 101 DP1108496) Main Campus, 47 Upper Pitt Street (Lot 10 DP880841)
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>
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
CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL
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.

Determination of Future Applications

- A2. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future application(s).
- A3. The determination of future development application(s) is to be not inconsistent with the terms of development consent SSD 8669 as described in Schedule 1 and subject to the conditions in Part B, Schedule 2.

Terms of Consent

- A4. 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 and Response to Submissions; and
 - (d)** in accordance with the approved plans in the table below:

Architectural Drawings prepared by PMDL			
Dwg No.	Rev	Name of Plan	Date
DAB010	C	Burton Street – Site Analysis	17/07/2018
DAB121	D	Burton Street – Proposed Plan L0	17/07/2018
DAB122	D	Burton Street – Proposed Plan L1	17/07/2018
DAB123	D	Burton Street – Proposed Plan L2	17/07/2018
DAB124	E	Burton Street – Proposed Roof	14/08/2019
DAB030	A	Burton Street – Basement GFA	17/07/2018
DAB031	A	Burton Street – L0 GFA	17/07/2018
DAB032	A	Burton Street – L1 GFA	17/07/2018
DAB033	A	Burton Street – L2 GFA	17/07/2018
DAB200	D	Burton St – Street elevations	14/08/2019
DAB201	D	Burton St – Street elevations	14/08/2019
DAB300	D	Burton St – Sections	14/08/2019
DAW010	C	Wyalla – Site Analysis	09/04/2018
DAW030	D	Wyalla – L0 GFA	11/07/2018
DAW031	D	Wyalla – L1 GFA	11/07/2018
DAW032	D	Wyalla – L2 GFA	11/07/2018
DAW033	D	Wyalla – L3 GFA	11/07/2018
DAW034	D	Wyalla – L4 GFA	11/07/2018
DAU010	C	Upper Pitt St Plan – Site Analysis	09/04/2018
DAU030	D	Upper Pitt St – LGF3 GFA	11/07/2018
DAU031	D	Upper Pitt St – LGF2 GFA	11/07/2018

DAU032	D	Upper Pitt St – LGF1 GFA	11/07/2018
DAU033	D	Upper Pitt St – LV0 GFA	11/07/2018
DAU034	D	Upper Pitt St – LV 1 GFA	11/07/2018
DAU035	D	Upper Pitt St – LV 2 GFA	11/07/2018
DAU036	D	Upper Pitt St – LV 3 GFA	11/07/2018
DAU037	D	Upper Pitt St – LV 4 GFA	11/07/2018
DAU038	D	Upper Pitt St – LV 5 GFA	11/07/2018
DAU039	D	Upper Pitt St – LV 6 GFA	11/07/2018

- A5. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a)** the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b)** any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
 - (c)** the implementation of any actions or measures contained in any such document referred to in (a) above.
- A6. 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 A4(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A4(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A7. This consent lapses five years after the date of consent unless the works associated with the Stage 1 development have physically commenced.

Student and Staff Numbers

- A8. The student population and associated full time equivalent staff numbers **physically attending** of the site must not exceed 1244 and 176 respectively.
- A9. Notwithstanding condition A8, the maximum student population **physically attending the Site** may exceed 1244 by up to a maximum 20 additional students from time to time, to allow for unanticipated fluctuations on a temporary basis.

Prescribed Conditions

- A10. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

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

Legal Notices

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

Operational Management Plan

- A13. The development must be operated and managed in accordance with the Operational Management Plan, dated March 2021 and prepared by St Aloysius' College, or as revised and approved in writing by the Planning Secretary.**

A14. The monitoring camera system (as detailed in the operational management plan dated March 2021) must:

- (a) not store, retain or distribute any facial detection data derived from the public domain;
- (b) be installed prior to any remote/online learning of students that would result in the overall school enrolment exceeding limits in conditions A8 and A9 above;
- (c) not incorporate facial recognition technology; and
- (d) be operated in accordance with the *Privacy and Personal Information Protection Act 1998*, the *Surveillance Devices Act 2007* and any other relevant policy, guideline or legislation that applies to the installation, operation and management of such systems.

A15. The Applicant must maintain weekly records of school attendance and enrolments and must provide the records to the Planning Secretary where requested.

A16. Within two months of the installation of the monitoring camera system, an audit of compliance (covering the preceding period) must be undertaken to demonstrate:

- (a) that the monitoring camera system has been installed and is operating in accordance with the requirements of the operational management plan, dated March 2021 (or as revised with approval of the Planning Secretary); and
- (b) that school operation is in accordance with conditions A8 and A9 above.

A17. Two further audits of compliance (covering the preceding period and as detailed by condition A16(a) and A16(b) above) must be undertaken at six month intervals from the completion of the initial audit of compliance. Upon completion of each audit, the findings (where non-compliances have been identified) must be reported and provided to the Planning Secretary for information.

A18. Following the completion of the audit compliance reporting, as required by condition A17 above, further audits of compliance (covering the preceding period and as detailed by condition A16(a) and A16(b) above) must be completed on an annual basis for the duration of the development. Records of these audits must be retained by the Applicant and provided to the Planning Secretary where requested.

A19. For the duration of the development, where the audits required by condition A16, A17 and A18 have identified non-compliances with the provisions of conditions A8 and A9 or the operational management plan, dated March 2021 (or as revised with approval of the Planning Secretary), these must be reported to the Planning Secretary and be accompanied by management and mitigation measures to ensure that the non-compliances do not occur again.

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.

PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Building Design

- B1. The future development application/s for new built form on the Junior Campus must include:
- (a)** detailed plans, elevations and sections;
 - (b)** artist's perspectives and photomontages; and
 - (c)** a detailed design statement prepared by the architect demonstrating the design quality of the proposed development having regard to the existing buildings on site, adjacent properties and the character of surrounding development including but not limited to an assessment of:
 - i) how the proposed design responds to and mitigates environmental impacts such as acoustic privacy, solar access to adjoining buildings and public spaces, noise, and reflectivity;
 - ii) how the proposal incorporates a high standard of architectural design, materials and detailing appropriate to the building type and location; and
 - iii) the height of the proposed roof having regard to operational requirements of the building and finished floor levels.
- B2. The proposed new built form on the Junior Campus must be contained within the approved building envelopes illustrated in the approved plans referenced at Schedule 2, Condition A4(d).

Environmental Amenity

- B3. All future development applications for new built form on the Junior Campus must:
- (a)** include an assessment of amenity impacts including solar access (including detailed overshadowing diagrams), visual privacy, view loss and light spill (including a lighting plan); and
 - (b)** be accompanied by a noise and vibration assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities during construction, and any noise sources during operation. Details are to be provided outlining any mitigation measures to ensure the amenity of adjoining sensitive land uses is protected throughout the construction and operational periods.

Sediment and Erosion Control

- B4. All future development applications for new built form on the Junior Campus must be accompanied by a Sediment and Erosion Control Plan.

Landscaping

- B5. All future development applications for new built form on the Junior Campus must include:
- (a)** detailed landscape plans identifying the vegetation to be removed or relocated, and the location of replacement and additional landscaping. The plans must:
 - i) be generally in accordance with the Landscape Concept Design prepared by Arcadia dated March 2018 submitted with the EIS and detail the retention of all existing trees along Bligh Street and Crescent Place as set out in the Response to Submissions; and
 - ii) include relevant details of the species to be planted (preferably species indigenous to the area) and the landscape treatments, including any pavement and seating areas;
 - (b)** an arboricultural impact assessment, including detailed root mapping, which demonstrates that the proposed works would not be detrimental to the long term health of the existing trees along Bligh Street and Crescent Place.

Heritage

- B6. All future development applications for new built form on the Junior Campus must be accompanied by a Heritage Impact Statement and Heritage Archaeological Assessment.

Ecologically Sustainable Development

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

Utilities

- B8. All future development applications for new built form on the Junior Campus must address the existing capacity and any augmentation requirements of the development for the provision of utilities including staging of infrastructure through the preparation of an Infrastructure Management Plan in consultation with relevant agencies and service providers.

Stormwater and Flooding

- B9. All future development applications for new built form on the Junior Campus must be accompanied by:
- (a)** a Stormwater Management Plan detailing an assessment of any flood risk on site and consideration of any relevant provisions of the NSW Floodplain Development Manual 2005, stormwater and drainage infrastructure, and details demonstrating that water sensitive urban design measures have been incorporated into the development; and
 - (b)** a Stormwater Concept Plan.

Disability Access

- B10. All future development applications for new built form on the Junior Campus must include a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the *Disability (Access to Premises - buildings) Standards 2010 (the Premises Standards)*.

Waste

- B11. All future development applications for the new built form on the Junior Campus must include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.

Traffic, Access and Car Parking

- B12. All future development applications for new built form on the Junior Campus must be accompanied by:
- (a)** a detailed assessment of the traffic and transport impacts associated with the construction and operation of the proposed development;
 - (b)** an updated Green Travel Plan for the school, outlining the measures to reduce public vehicle usage;
 - (c)** an Operational Transport and Access Management Plan;
 - (d)** a Road Safety Evaluation; and
 - (e)** a preliminary Construction Traffic Management Plan, including a preliminary Construction Traffic and Pedestrian Management Plan detailing vehicles routes, numbers of trucks, hours of operation, access arrangements and traffic control measures.

Geotechnical Assessment Report

- B13. All future development applications for new built form on the Junior Campus must be accompanied by a detailed Geotechnical Assessment Report with details of proposed mitigation measures during excavation works and measures to control impacts on adjoining properties due to vibration or changes to groundwater or drainage during construction.

SCHEDULE 3
CONDITIONS OF APPROVAL FOR STAGE 1 WORKS
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 and Response to Submissions; and
 - (d)** in accordance with the approved plans in the table below:

Architectural Drawings prepared by PMDL			
Dwg No.	Rev	Name of Plan	Date
DAW010	C	Wyalla – Site Analysis	09/04/2018
DAW100	C	Wyalla – Plan – GF 0 DEMO	09/04/2018
DAW101	C	Wyalla – Plan – LV1 DEMO	09/04/2018
DAW102	C	Wyalla – Plan – LV2 DEMO	09/04/2018
DAW103	C	Wyalla – Plan – LV3 DEMO	09/04/2018
DAW104	C	Wyalla – Plan – LV4 DEMO	09/04/2018
DAW105	C	Wyalla – Plan – Roof DEMO	09/04/2018
DAW120	C	Wyalla – Plan – GF 0	09/04/2018
DAW121	C	Wyalla – Plan – LV1	09/04/2018
DAW122	E	Wyalla – Plan – LV2	16/08/2018
DAW123	D	Wyalla – Plan – LV3	27/07/2018
DAW124	C	Wyalla – Plan – LV4	09/04/2018
DAW125	C	Wyalla – Plan – Roof	09/04/2018
DAW200	C	Rear Elevation	09/04/2018
DAW300	C	Sections	09/04/2018
DAW301	C	Sections	09/04/2018
DAW500	C	Wyalla – Materials Board	09/04/2018
DAW030	D	Wyalla – L0 GFA	11/07/2018
DAW031	D	Wyalla – L1 GFA	11/07/2018
DAW032	D	Wyalla – L2 GFA	11/07/2018
DAW033	D	Wyalla – L3 GFA	11/07/2018
DAW034	D	Wyalla – L4 GFA	11/07/2018
DAU010	C	Upper Pitt St Plan – Site Analysis	09/04/2018
DAU101	C	Upper Pitt St Plan– LGF3 DEMO	09/04/2018
DAU102	C	Upper Pitt St Plan– LGF2 DEMO	09/04/2018
DAU103	C	Upper Pitt St Plan – LGF1 DEMO	09/04/2018
DAU104	C	Upper Pitt St Plan – GF 0 DEMO	09/04/2018

DAU105	C	Upper Pitt St Plan – LV 1 DEMO	09/04/2018
DAU106	C	Upper Pitt St Plan – LV 2 DEMO	09/04/2018
DAU107	C	Upper Pitt St Plan – LV 3 DEMO	09/04/2018
DAU108	C	Upper Pitt St Plan – LV 4 DEMO	09/04/2018
DAU109	C	Upper Pitt St Plan – LV 5 DEMO	09/04/2018
DAU110	C	Upper Pitt St Plan – LV 6 DEMO	09/04/2018
DAU121	C	Upper Pitt St Plan – LGF3	09/04/2018
DAU122	C	Upper Pitt St Plan – LGF2	09/04/2018
DAU123	C	Upper Pitt St Plan – LGF1	09/04/2018
DAU124	C	Upper Pitt St Plan – LV 0	09/04/2018
DAU125	C	Upper Pitt St Plan – LV 1	09/04/2018
DAU126	C	Upper Pitt St Plan – LV 2	09/04/2018
DAU127	E	Upper Pitt St Plan – LV 3	13/07/2018
DAU128	E	Upper Pitt St Plan – LV 4	17/08/2018
DAU129	E	Upper Pitt St Plan – LV 5	17/08/2018
DAU130	E	Upper Pitt St Plan – LV 6	13/07/2018
DAU201	D	Upper Pitt St – Elevations	13/07/2018
DAU202	E	Upper Pitt St – Elevations	15/10/2018
DAU015	D	Upper Pitt St – Render	17/07/2018
DAU016	D	Upper Pitt St – Renders	17/07/2018
DAU301	D	Upper Pitt St – Sections	16/07/2018
DAU302	D	Upper Pitt St – Sections	16/07/2018
DAU303	A	Upper Pitt St – Site Section	16/07/2018
DAU500	C	Upper Pitt St – Materials Board	09/04/2018
DAU030	D	Upper Pitt St – LGF3 GFA	11/07/2018
DAU031	D	Upper Pitt St – LGF2 GFA	11/07/2018
DAU032	D	Upper Pitt St – LGF1 GFA	11/07/2018
DAU033	D	Upper Pitt St – LV0 GFA	11/07/2018
DAU034	D	Upper Pitt St – LV 1 GFA	11/07/2018
DAU035	D	Upper Pitt St – LV 2 GFA	11/07/2018
DAU036	D	Upper Pitt St – LV 3 GFA	11/07/2018
DAU037	D	Upper Pitt St – LV 4 GFA	11/07/2018
DAU038	D	Upper Pitt St – LV 5 GFA	11/07/2018
DAU039	D	Upper Pitt St – LV 6 GFA	11/07/2018

- 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 Department regarding compliance with this approval; and
 - (c)** the implementation of any actions or measures contained in any such document referred to in (a) above.

- 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). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), 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 the works associated with the Stage 1 development have physically commenced.

Prescribed Conditions

- A6. 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

- A7. 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.

Long Service Levy

- A8. 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

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

Evidence of Consultation

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a)** consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b)** provide details of the consultation undertaken including:
the outcome of that consultation, matters resolved and unresolved; and
details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging, Combining and Updating Strategies, Plans or Programs

- A11. With the approval of the Planning Secretary, the Applicant may:
- (a)** prepare and submit any strategy, 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 or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b)** combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c)** update any strategy, plan or program required by this consent (to ensure the strategies, plans and 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).
- A12. If the Planning Secretary agrees, a strategy, 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.

- A13. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Staging

- A14. The SSD may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the approval the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A15. The Staging Report prepared in accordance with condition A14 must:
- (a)** if staged construction is proposed, set out how the construction of the whole of the SSD 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 SSD will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c)** specify how compliance with conditions will be achieved across and between each of the stages of the SSD; and
 - (d)** set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A16. Where staging is proposed, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.
- A17. Where staging is proposed, the terms of this approval 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.
- A18. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

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

External Walls and Cladding

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A20. 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.
- A21. 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

- A22. 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: *sFor 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

A23. 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; and
 - x) any other matter required by the Planning Secretary; and
- (b)** keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance

A24. 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.

ADVISORY NOTES

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

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Rooftop plant and equipment - Main Campus

- B1. All new rooftop plant and equipment must be contained wholly within the envelope of the existing buildings and buildings approved under this consent at the Main Campus, including below the parapets, and are not to be separate elements on the roof.
- B2. Notwithstanding Condition B1, new rooftop plant and equipment may be permitted as separate elements if, prior to the issue of the construction certificate for the Main Campus, the Applicant submits to the satisfaction of the Planning Secretary:
- (a) information from a suitably qualified and independent mechanical engineer that demonstrates, to the satisfaction of the Planning Secretary, that it is not reasonably feasible for the plant and equipment to be contained wholly within the building envelopes due to physical and/or operational constraints; and
 - (b) revised plans detailing revised rooftop plant and equipment arrangements that:
 - i) incorporate enclosures that are of the minimum horizontal and vertical dimensions required for the enclosure of the plant and equipment;
 - ii) are located to minimise impacts on the streetscape and on views from the public domain and residential properties; and
 - iii) are of a form, bulk, scale and materials to be integral and complimentary to the architecture of the building.

Modified Plans - Main Campus

- B3. Prior to the issue of a construction certificate for the Main Campus, revised plans and elevations of the proposed replacement north-east wing building must be submitted to the satisfaction of the Planning Secretary. The plans and elevations must show:
- (a)** the proposed entry feature portal reduced in height so that it is no higher than the existing building parapet level of RL 46.30 m;
 - (b)** all structures, including proposed shade structures, on the proposed rooftop terrace modified (where required) to not extend above a plane drawn from the top of the southern parapet of the adjoining replacement north-east wing building and the top of the existing parapet of the southern elevation of the south-eastern wing building;
 - (c)** revisions to the rooftop plant and equipment enclosures and internal layouts (where required) to reflect any changes made in response to the details prepared in accordance with condition B1;
 - (d)** the glazed lift proposed at the southern end of the proposed rooftop terrace reduced in height so that it does not service any floors above the Level 3 proposed rooftop terrace and incorporates a lift overrun that is the minimum extent necessary to allow for the operation of the lift to service the Level 3 proposed rooftop terrace; and
 - (e)** where required, provision for a new disabled access arrangement (such as ramping, stairs or platform lifts or any other suitable alternative) to provide disabled access to the Level 4 Chapel terrace roof. Any such works must be designed and constructed to ensure structures do not impact on views from surrounding residential properties.
- B4. Prior to the issue of a construction certificate for the Main Campus, revised details of the proposed facade treatment / screening design of the eastern elevation of the proposed quadrant infill building must be submitted to the satisfaction of the Planning Secretary. The details must show a revised screening design which incorporates permanently fixed privacy screens over all windows overlooking the adjoining property.

Landscape Plan

- B5. Prior to the issue of a construction certificate for the Main Campus, revised landscape plans must be submitted to the satisfaction of the Planning Secretary. The plans must detail:

- (a)** the relocation of the BBQ zone and ping pong table away from the eastern side of the proposed rooftop terrace and the extension of the raised garden (at least 3 metres wide) along the eastern boundary of the terrace in place of the BBQ zone;
- (b)** the access to the south-eastern open stairwell on the proposed rooftop terrace moved to the western side of the stairwell, the raised garden extended to replace the former access path and access prevented to the eastern half of the top landing of the stairwell;
- (c)** the revised location of the glazed acoustic barrier on the proposed rooftop terrace required under condition B6(b) and associated changes to the layout of landscaping;
- (d)** the existing ground level along the eastern boundary adjacent to the proposed infill building to be retained and the provision of a garden bed of at least 1.2 metres wide along the length of the boundary generally in accordance with the extent shown in the landscape concept plan and with its height raised to match the level of the base of the existing sandstone block wall at the boundary; and
- (e)** either:
 - i) the deletion of the elevated planting and associated support structures along the eastern boundary adjoining 'Craiglea'; or
 - ii) the elevated planting and associated supporting structures along the eastern boundary to be setback by at least 1.2 metres from the boundary and not to exceed the height of the raised garden bed required under condition B5(d)
- (f)** detail the location, species, maturity and height at maturity of plants to be planted on-site;
- (g)** include planting in the raised garden bed along the eastern boundary of the Main Campus required under condition B5(d) that would
 - i) provide an effective landscape setting of the "infill" building from 'Craiglea';
 - ii) contribute to the amenity of 'Craiglea'; and
 - iii) not impact on views from 'Craiglea'.
- (h)** include species (trees, shrubs and groundcovers) of local provenance (i.e. the vegetation community that once occurred on the site);
- (i)** include the planting of trees with a pot container of 75-100 litres or greater;
- (j)** include the provision of nest boxes suitable to native fauna likely to use the site;
- (k)** ensure the height of trees at maturity on the rooftop terrace at the Main Campus would not exceed a plane drawn from the top of the southern parapet of the replacement north-east wing building and the top of the existing parapet of the southern elevation of the south-eastern wing; and
- (l)** include specifications for the surface treatment of hardstand areas of the rooftop terrace using surfaces that are noise-absorbing, of a non-reflective nature and of muted tones.

Glazed Acoustic Barrier - Proposed Rooftop Terrace

- B6. Prior to the issue of a construction certificate for the Main Campus, information must be submitted to the satisfaction of the Planning Secretary to demonstrate that the proposed 2.4 metre high glazed acoustic barrier on the proposed rooftop terrace on the Main Campus would be:
- (a)** frameless above the height of the existing parapet wall of the southern wing building as set out in the Response to Submissions;
 - (b)** set back from the southern and eastern parapet wall by no less than 1 metre, or adequate information to justify that a 1 metre setback is not feasible for safety or structural reasons; and
 - (c)** made from glazing, such as low iron glass, that ensures a high level of transparency and minimal colouring.

Detailed Lighting Plan - Proposed Rooftop Terrace

- B7. Prior to the issue of a construction certificate for the Main Campus, a detailed lighting plan for the proposed rooftop terrace on the Main Campus must be submitted to the Planning Secretary which:
- (a)** details the layout and specifications of lighting to be installed on the rooftop terrace; and
 - (b)** demonstrates that the proposed lighting complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019) and would be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
- B8. Prior to the issue of a construction certificate for the Main Campus, a lighting management plan for the proposed rooftop terrace on the Main Campus must be submitted to the Planning Secretary which details:
- (a)** the proposed different lighting modes, including the applicable timing / activity types and associated lighting levels; and
 - (b)** management and maintenance arrangements to ensure that lighting is operated and maintained in accordance with conditions B7 and B8(a).

External Walls and Cladding

- B9. Prior to the issue of a construction certificate, the Applicant must provide the Principal Certifying Authority 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 Principal Certifying Authority to the Planning Secretary within seven days after the Principal Certifying Authority accepts it.

Access for People with Disabilities

- B10. Prior to the issue of a construction certificate, the Applicant must provide the Principal Certifying Authority with documented evidence from an appropriately qualified person that the proposed works are designed to provide access and facilities for people with a disability in accordance with the BCA and that the requirements are referenced on any certified plans.

Stormwater Management System

- B11. Prior to the issue of a construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Principal Certifying Authority. 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;
 - (c)** be in accordance with applicable Australian Standards; and
 - (d)** ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Drainage of Open Stairwells on Proposed Rooftop Terrace

- B12. Prior to the issue of a construction certificate, the Applicant must provide details to the satisfaction of the Principal Certifying Authority of drainage arrangements for the open stairwells proposed at the southern end of the roof terrace to ensure that stormwater runoff into the building is appropriately managed.

Note: This consent does not authorise the enclosure of the open stairwells proposed on the southern end of the proposed rooftop terrace. Further development consent would be required prior to the installation of any enclosure or covering of the stairwells.

Mechanical Ventilation

- B13. Prior to the issue of a construction certificate, the Applicant must provide evidence to the satisfaction of the Principal Certifying Authority that all mechanical ventilation systems have been designed in accordance with Part F4.5 of the BCA and comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS

3666.1:2011 *Air handling and water systems of buildings—Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and environment protection.

Bicycle Parking and End-of-Trip Facilities

- B14. Prior to the issue of a construction certificate, demonstration of compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Principal Certifying Authority:
- (a)** appropriate pedestrian and cyclist advisory signs are to be provided;
 - (b)** provision of a minimum of 10 bicycle lockers and 2 bicycle racks; and
 - (c)** all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Operational Noise – Design of Mechanical Plant and Equipment

- B15. Prior to the issue of a construction certificate, the Applicant must provide evidence to the satisfaction of the Principal Certifying Authority that it has incorporated the following noise mitigation recommendations into the detailed design drawings:
- (a)** enclosures for external chillers including discharge attenuators;
 - (b)** attenuators on all air handling units and acoustic rated louvres for mechanical plant rooms; and
 - (c)** attenuators on all ventilation and exhaust fans.
- B16. The Principal Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise Impact Assessment.

PART C PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

Road Safety Evaluation

- C1. Prior to the commencement of construction, a Road Safety Evaluation must be conducted on all relevant sections of the local road network utilised for bus and private vehicle pick-up / drop-off and used by students to travel between these locations and the school campuses in accordance with the Guidelines for Road Safety Audit Practices (NSW Centre for Road Safety, 2011) and Austroads Guide to Road Safety Part 6: Road Safety Audit. The Road Safety Evaluation must be submitted to the Principal Certifying Authority, Council and the Planning Secretary.

Notification of Commencement

- C2. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C3. If the construction or operation of the development is to be staged, the Department 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

- C4. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Principal Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a)** the relevant clauses of the BCA; and
 - (b)** this development consent.

Protection of Public and Private Property Infrastructure

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

Pre-Construction Dilapidation Report

- C6. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Principal Certifying Authority. The report must provide an accurate record of the existing condition of adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works, including but not limited to 88 Kirribilli Avenue and the heritage item located at 49 Upper Pitt Street.

Site Contamination

- C7. Remediation approved as part of this development consent must be carried out in accordance with the Remediation Action Plan – Development Area dated April 2019 and prepared by Cavanba Consulting.
- C8. Upon completion of remedial works, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by an EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the ongoing use as a school and be provided to the satisfaction of the Principal Certifying Authority.

Unexpected Contamination Procedure

- C9. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C18 and must ensure any material identified as contaminated must be disposed off-site, with the

disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Demolition

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

Utilities and Services

- C11. Prior to the commencement of the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- C12. 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.

Community Communication Strategy

- C13. Prior to the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval. The Community Communication Strategy must include 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 community consultation and the regular distribution of accessible information about or relevant to the development;
 - (c)** provide for the formation of community-based forums that focus on key environmental management issues for the development; and
 - (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.
- C14. Construction must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

Outdoor Lighting

- C15. Prior to the commencement of construction, evidence must be submitted to the satisfaction of the Principal Certifying Authority 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* (Standards Australia, 2019).

Ecologically Sustainable Development

- C16. Prior to the commencement of construction:
- (a)** the Applicant must appoint a suitably qualified Green Star Accredited Professional to monitor the detailed design of the works at the Main Campus to ensure that all ESD measures set out in Appendix 26 of the EIS are incorporated.

- (b)** evidence must be submitted to the satisfaction of the Principal Certifying Authority from a suitably qualified Green Star Accredited Professional that the ESD measures set out in Appendix 26 of the EIS have been incorporated into the design of the works at the Main Campus; and
- (c)** details of the proposed ESD measures to be implemented in the works on the Senior Campus are to be submitted to the satisfaction of the Principal Certifying Authority.

Environmental Management Plan Requirements

C17. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:

- (a)** detailed baseline data;
- (b)** details of:
 - i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - ii) any relevant limits or performance measures and criteria; and
 - iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
- (c)** a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
- (d)** a program to monitor and report on the:
 - impacts and environmental performance of the development; and
 - effectiveness of the management measures set out pursuant to paragraph (c) above;
- (e)** a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- (f)** a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g)** a protocol for managing and reporting any:
 - i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - ii) complaint; and
 - iii) failure to comply with statutory requirements; and
- (h)** a protocol for periodic review of the plan.

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

Construction Environmental Management Plan

C18. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of Principal Certifying Authority and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a)** Details of:
 - i) hours of work;
 - ii) 24-hour contact details of site manager;
 - iii) management of dust and odour to protect the amenity of the neighbourhood;
 - iv) stormwater control and discharge;
 - v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;

- vi) groundwater management plan including measures to prevent groundwater contamination;
 - vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; and
 - viii) community consultation and complaints handling;
 - (b)** Construction Traffic and Pedestrian Management Sub-Plan (see condition C19);
 - (c)** Construction Noise and Vibration Management Sub-Plan (see condition C20);
 - (d)** Construction Waste Management Sub-Plan (see condition C21);
 - (e)** Construction Soil and Water Management Sub-Plan (see condition C22);
 - (f)** an unexpected finds protocol for contamination and associated communications procedure;
 - (g)** an unexpected finds protocol for Aboriginal and 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.
- C19. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must 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's Traffic Committee;
 - (c)** detail the measures that are to be implemented to ensure road safety and network efficiency during construction, including consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (d)** detail heavy vehicle routes, access and parking arrangements;
 - (e)** detail other major construction projects underway in Kirribilli at the same time as the proposed works and make appropriate arrangements to mitigate any cumulative impacts;
 - (f)** include arrangements for the provision of replacement drop-off / pick-up spaces where existing drop-off / pick-up spaces are impacted by the proposed construction works;
 - (g)** consider the outcomes of the Road Safety Evaluation prepared under condition C1.
 - (h)** include a Driver Code of Conduct to:
 - i) minimise the impacts of earthworks and construction on the local and regional road network;
 - ii) minimise conflicts with other road users;
 - iii) minimise road traffic noise; and
 - iv) ensure truck drivers use specified routes;
 - (i)** include a program to monitor the effectiveness of these measures; and
 - (j)** if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- C20. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a)** be prepared by a suitably qualified and experienced noise expert;
 - (b)** describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c)** describe the procedures for achieving the vibration criteria in condition D19 or measures to minimise vibration impacts if achieving the criteria is not feasible or reasonable;
 - (d)** describe the measures to be implemented to manage high noise and vibration generating works such as piling, in close proximity to sensitive receivers;

- (e) include strategies that have been developed with the community for managing high noise and vibration generating works;
 - (f) detail how the phasing of constructions works at the Main Campus has been determined in consideration of minimising impacts on, and provide respite to, sensitive receivers over the overall construction period;
 - (g) describe the community consultation undertaken to develop the strategies in condition C20(e); and
 - (h) include a complaints management system that would be implemented for the duration of the construction.
- C21. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) 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 in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- C22. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction;
 - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (d) detail all off-Site flows from the Site; and
 - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI).

Construction Worker Transportation Strategy

- C23. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Planning Secretary. 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.

Archaeological Salvage – Historic Archaeology – Wyalla building

- C24. Prior to the commencement of construction on the Senior Campus, historical archaeological excavation must be undertaken by a suitably qualified and experienced expert to undertake historical archaeological salvage of relevant historic material from the heritage item Wyalla building in accordance with the report titled Statement of Heritage Impact, St Aloysius' College Masterplan and Stage 1 Works - St Aloysius' College Senior School, prepared by NBRS Architecture and dated 9 February 2018.

Archival Photographic Documentation – Wyalla building

- C25. Prior to the commencement of demolition works on site, a photographic archival record of the external and internal areas of the heritage item Wyalla building to be altered must be prepared in accordance with the recommendations in the report titled Statement of Heritage Impact, St Aloysius' College Masterplan and Stage 1 Works - St Aloysius' College Senior School, prepared by NBRS Architecture and dated 9 February 2018 and the NSW Heritage Branch guidelines titled *Photographic Recording of Heritage Items using Film or Digital Capture*. A hardcopy and digital copy must be submitted to Council, the Heritage Division and the Planning Secretary prior to demolition works commencing.

Construction and Demolition Waste Transport Management

- C26. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the Transport for NSW Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.

Public Domain Works

- C27. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Principal Certifying Authority that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Principal Certifying Authority.

Rainwater Harvesting

- C28. Prior to the commencement of construction, the Applicant must ensure that a rainwater reuse/harvesting system is developed for the Main Campus. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.

Compliance Reporting

- C29. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Principal Certifying Authority.
- C30. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C31. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Principal Certifying Authority in writing at least seven days before this is done.
- C32. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance

PART D DURING CONSTRUCTION

Approved Plans to be On-site

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Principal Certifying Authority.

Site Notice

- D2. A site notice(s):
- (a)** must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer.
 - (b)** is to satisfy all but not be limited to, the following requirements:
 - i) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D3. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Demolition

- D4. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001).

Construction Hours

- D5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a)** between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b)** between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D6. Activities may be undertaken outside of the hours in condition D5 if required:
- (a)** by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b)** in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c)** where the works are inaudible at the nearest sensitive receivers; or
 - (d)** where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D7. Notification of the activities described in condition D6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a)** 9am to 12pm, Monday to Friday;

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

Implementation of Management Plans

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

Construction Traffic

- D10. All construction vehicles not parked on site must be located in an approved on-street work zone, and vehicles must enter the site before stopping.

Road Occupancy Licence

- D11. 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

- D12. 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

- D13. The following hoarding requirements must be complied with:
- (a)** no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;
 - (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; and
 - (c)** the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

No Obstruction of Public Way

- D14. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- D15. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D5.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D18. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

Vibration Criteria

- D19. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a)** for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and

- (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D20. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D19.
- D21. The limits in conditions D19 and D20 apply unless otherwise outlined in a Construction Noise and Vibration Management Sub-Plan, approved as part of the CEMP required by condition C20 of this consent.

Tree Protection

- D22. 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 must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal and Tree No. 60 on land immediately east of the Main Campus must be suitably protected during construction as per recommendations of the Arboricultural Impact Assessment prepared by ArborSafe dated 11 March 2018, Addendum Report Assessment prepared by ArborSafe dated 25 October 2018 and letter prepared by ArborSafe dated 21 May 2019; 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.

Dust Minimisation

- D23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D24. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- D25. The Applicant must install and operate equipment in line with best practice.

Erosion and Sediment Control

- D26. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Imported Soil

- D27. 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 Principal Certifying Authority upon request.

Disposal of Seepage and Stormwater

- D28. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the Principal Certifying Authority. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Unexpected Finds Protocol – Aboriginal Heritage

- D29. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

Unexpected Finds Protocol – Historic Heritage

- D30. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage Division 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 Division.

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 body of any vehicle or trailer used to transport waste or excavation spoil must be covered before leaving the premises to prevent any spillage or escape of any dust, waste or spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site must be removed before leaving the premises.
- D34. 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.

Handling of Asbestos

- D35. The Applicant is to 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.

Community Engagement

- D36. The Applicant must consult with the community regularly throughout construction consistent with the strategy required by condition C13, including consultation with the nearby sensitive receivers identified on Figure 3 in the Noise Impact Assessment prepared by SLR dated 1 April 2019, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

Independent Environmental Audit

- D37. 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.
- D38. No later than four weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Principal Certifying Authority.
- D39. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
- (a)** An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
 - (b)** A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.
- In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks notice to the applicant of the date upon which the audit must be commenced.
- D40. Independent Audits of the development must be carried out in accordance with:
- (a)** the Independent Audit Program submitted to the Department and the Principal Certifying Authority under condition D38 of this consent; and
 - (b)** the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- D41. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), 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 Department and the Principal Certifying Authority; and
 - (c)** make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Principal Certifying Authority in writing at least seven days before this is done.
- D42. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

Incident Notification, Reporting and Response

- D43. The Department must be notified in writing to compliance@planning.nsw.gov.au 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.
- D44. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- D45. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Principal Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- D46. 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.

D47. 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

D48. Within three months of:

- (a)** the submission of a compliance report under condition C30;
- (b)** the submission of an incident report under condition D43;
- (c)** the submission of an Independent Audit under condition D40;
- (d)** the approval of any modification of the conditions of this consent; or
- (e)** the issue of a direction of the Planning Secretary under condition A2 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Department and the Principal Certifying Authority must be notified in writing that a review is being carried out.

D49. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary and Principal Certifying Authority. Where revisions are required, the revised document must be submitted to the Planning Secretary and Principal Certifying Authority for approval 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 E PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Notification of Occupation

- E1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary. 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 an occupation certificate, the Applicant must provide the Principal Certifying Authority 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 Principal Certifying Authority to the Planning Secretary within seven days after the Principal Certifying Authority accepts it.

Post-construction Dilapidation Report

- E4. Prior to the issue of an occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a)** to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure including those referenced in conditions C5 and C6;
 - (b)** to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Principal Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
 - (c)** to be forwarded to Council.

Protection of Public Infrastructure

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

Note: This condition does not apply to any damage to roads caused as a result of general road usage.

Protection of Property

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

Utilities and Services

- E7. Prior to the issue of an 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*.

Works as Executed Plans

- E8. Prior to the issue of an 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 Principal Certifying Authority.

Green Travel Plan

- E9. Prior to the issue of an occupation certificate for both the Senior Campus and Main Campus, a Green Travel Plan (GTP), must be prepared and be submitted to the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a)** be prepared by a suitably qualified traffic consultant in consultation with Council's Traffic Committee and the operator of Loreto Kirribilli school;
 - (b)** include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c)** include specific tools and actions to help achieve the objectives and mode share targets;
 - (d)** include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
 - (e)** include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users.

Heritage Interpretation Plan

- E10. Prior to the issue of an occupation certificate, the Applicant must submit a Heritage Interpretation Plan to the satisfaction of the Planning Secretary and Principal Certifying Authority to acknowledge the historic heritage of the Senior Campus. The plan must:
- (a)** be prepared by a suitably qualified and experienced expert in consultation with the NSW Heritage Division and Council;
 - (b)** include provision for naming elements within the development that acknowledges the site's heritage; and
 - (c)** incorporates interpretive information into the heritage item Wyalla building.

Operational Transport and Access Management Plan (OTAMP)

- E11. Prior to the issue of an occupation certificate, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council's Traffic Committee 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 and drop-off parking, including staff management/traffic controller arrangements;
 - (d)** the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations, including staff management/traffic controller arrangements;
 - (e)** measures to discourage students from driving to the site;
 - (f)** delivery and services vehicle and bus access and management arrangements;
 - (g)** management of approved access arrangements;
 - (h)** potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking;
 - (i)** car parking arrangements and management associated with the proposed use of school facilities by community members; and

- (j) a monitoring and review program.

Mechanical Ventilation

E12. Prior to the issue of an occupation certificate, the Applicant must provide evidence to the satisfaction of the Principal Certifying Authority that the installation and performance of the mechanical systems complies with:

- (a) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

E13. Prior to the commencement of operation, the Applicant must submit evidence to the Principal Certifying Authority that the noise mitigation recommendations in the Noise Impact Assessment dated 1 April 2019 and prepared by SLR and all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise Impact Assessment dated 1 April 2019 and prepared by SLR.

Acoustic Management Plan

E14. Prior to the commencement of operation, the Applicant must prepare an Acoustic Management Plan in consultation with Council and submit it to the Council and the Planning Secretary. The plan must include the following:

- (a) a summary of the recommended operational noise levels identified in the Noise Impact Assessment dated 1 April 2019 and prepared by SLR;
- (b) a schedule for monitoring noise generated during operation of the development by an appropriately qualified person, including, but not limited to:
 - i) operational noise levels of mechanical plant;
 - ii) noise generated during normal school hours at the proposed rooftop terrace; and
 - iii) noise generated during events held outside normal school hours as described in conditions F8 and F10;
- (c) a schedule for the preparation of monitoring reports to be submitted to the Planning Secretary no later than within two months of commencement use of each stage of the development, to describe the results of monitoring; and
- (d) a procedure for determining and implementing additional noise attenuation measures should the noise monitoring identify any exceedance of the recommended operational noise levels.

Road Damage

E15. Prior to the issue of an occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant.

Fire Safety Certification

E16. Prior to the issue of an 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

E17. Prior to the issue of an 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 Principal Certifying Authority. 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 Principal Certifying Authority 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

- E18. Prior to the issue of an occupation certificate, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Principal Certifying Authority.

Stormwater Quality Management Plan

- E19. Prior to the issue of an occupation certificate, a Stormwater Quality Management Plan (SQMP) is to be submitted to the satisfaction of the Principal Certifying Authority along with evidence of compliance with the SQMP. The SQMP must ensure 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.

Rainwater Harvesting

- E20. Prior to the issue of an occupation certificate, a signed works-as-executed Rainwater Re-use Plan for the Main Campus must be provided to the Principal Certifying Authority.

Warm Water Systems and Cooling Systems

- E21. Prior to the issue of an occupation certificate, evidence from a suitably qualified person must be submitted to the Principal Certifying Authority that demonstrates that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) has been undertaken in accordance with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 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

- E22. Prior to the issue of an occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the satisfaction of the Principal Certifying Authority 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 details approved under conditions B7 and B8(a) in the case of lighting on the rooftop terrace on the Main Campus
 - (b)** complies with the latest version of AS 4282-2019 *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019); and
 - (c)** 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.

Operational Waste Management Plan

- E23. Prior to the issue of an occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Principal Certifying Authority. The Waste Management Plan must:
- (a)** detail the type and quantity of waste to be generated during operation of the development;
 - (b)** describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the*

Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);

- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in Part K of the EIS and as modified in the Response to Submissions.

Validation Report

E24. Within one month of the completion of remediation works and prior to the issue of an occupation certificate, the Applicant must submit a Validation Report for the development to the EPA, the Planning Secretary and the Principal Certifying Authority for information. The Validation Report must:

- (a) be prepared by an appropriately qualified environmental consultant and reviewed by an EPA accredited Site Auditor;
- (b) be prepared in accordance with the RAP and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (Office of Environment and Heritage, 2011); and
- (c) include, but not be limited to:
 - i) comment on the extent and nature of the remediation undertaken;
 - ii) describe the location, nature and extent of any remaining contamination on site;
 - iii) sampling and analysis plan and sampling methodology;
 - iv) results of sampling of treated material, compared with the treatment criteria;
 - v) results of any validation sampling, compared to relevant guidelines/criteria;
 - vi) discussion of the suitability of the remediated areas for the intended land use; and
 - vii) any other requirement relevant to the project.

Site Audit Report and Site Audit Statement

E25. Prior to the issue of an occupation certificate, the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use(s).

E26. Within three months of submission of the Validation Report required by condition E24, the Applicant must demonstrate to the satisfaction of the Principal Certifying Authority that the Site Auditor has submitted a Site Audit Report and Site Audit Statement to EPA in accordance with the requirements of EPA's *Guidelines for the NSW Site Auditor Scheme* (3rd Edition) 2017.

Landscaping

E27. Prior to the issue of an occupation certificate, the Applicant must submit a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:

- (a) describe the monitoring and maintenance measures to manage revegetation and landscaping works;
- (b) include specific measures to ensure the long term success and survivability of the elevated planting along the eastern boundary of the Main Campus;
- (c) include specific measures to ensure compliance with condition B5; and
- (d) be consistent with the Applicant's Management and Mitigation Measures at Part K of the EIS and as modified in the Response to Submissions.

E28. Prior to the issue of an occupation certificate, evidence must be submitted to the satisfaction of the Principal Certifying Authority that landscaping of the site has been implemented in accordance with the plans approved under condition **Error! Reference source not found.**

Open Space and Recreation Management Plan

- E29. Prior to the issue of an occupation certificate, the Applicant must prepare an Open Space and Recreation Management Plan in consultation with Council and submit it to the satisfaction of the Planning Secretary. The plan must detail the open space and recreational needs of, and facilities available to, the school, and arrangements for the use of nearby public facilities within school hours or formal use outside of normal school hours.

Signage

- E30. Prior to issue of an occupation certificate, way-finding signage must be installed, including signage identifying the location of staff car parking, designated bicycle parking areas and end-of-trip facilities.

Ecological Sustainable Development

- E31. Prior to the issue of an occupation certificate for the final stage of works at the Main Campus unless otherwise agreed by the Planning Secretary, evidence must be submitted to the satisfaction of the Principal Certifying Authority from a suitably qualified Green Star Accredited Professional that the ESD measures set out in Appendix 26 of the EIS have been implemented in the works at the Main Campus.
- E32. Prior to the issue of an occupation certificate for the final stage of works at the Senior Campus, evidence must be submitted to the satisfaction of the Principal Certifying Authority from a suitably qualified Green Star Accredited Professional that the ESD measures approved under condition C16(c) have been implemented.

PART F POST OCCUPATION

Use of Rooftop Terraces

- F1. The rooftop terraces on the Main Campus must only be used between the hours of 7:30am and 5pm Monday to Friday.
- F2. Notwithstanding condition F1, the Chapel terrace roof and proposed rooftop terrace on the Main Campus may be used outside the hours specified in condition F1 in accordance with the Schedule of Proposed Rooftop Terrace Usage set out in Appendix 2 and Appendix 3, including the activity / event, day of the week, frequency, hours / duration of use and maximum attendance,
- F3. No approval is given for the use of the proposed rooftop terrace for the purpose of external group hire as set out in Appendix 3. Any use of the proposed rooftop terrace for the purpose of external group venue hire requires further development consent.
- F4. External electronic sound amplification equipment or loud speakers must only be used for school-related uses and between the hours of 8:30am and 5pm Monday to Friday on the rooftop terraces on the Main Campus. External electronic sound amplification equipment or loud speakers must not be used on the rooftop terraces of the Main Campus outside of these times for the purpose of announcement, amplification of school bell, broadcast, playing of music or similar purpose.
- F5. The south-facing external doors to the multi-purpose space on the proposed rooftop terrace must remain closed during any out of hours music recital / drama productions held in the multi-purpose space on the proposed rooftop terrace.
- F6. Temporary or permanent structures (excluding landscaping and furniture including tables, chairs and portable umbrellas that comply with condition B2(b)) must not be erected or installed on the Chapel terrace roof or proposed rooftop terrace unless shown on the plans set out in condition A2(d) or otherwise approved under conditions of this consent.
- Note: Any temporary structures installed on the Chapel terrace roof or proposed rooftop terrace (where allowed under condition F6) should be installed in accordance with the manufacturer's specifications.*
- F7. All roofs, except Chapel terrace roof and proposed rooftop terrace, have access restricted to authorised personnel.

Out of Hours Event Management Plan

- F8. Prior to the commencement of out of hours events (school use) run by the school on the Main Campus that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) in consultation with Council and submit it to the Council and Planning Secretary. The plan must 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 rooftop terraces, where applicable, restricting use before 8am and after 10pm;
 - (f)** measures to minimise localised traffic and parking impacts;
 - (g)** measures to minimise and monitor noise impacts on any sensitive residential receivers, including the measures described in the acoustic management plan prepared in accordance with condition E14; and
 - (h)** measures to ensure the safe evacuation from the roof top terraces.
- F9. The Out of Hours Event Management Plan (School Use) must be implemented by the Applicant for the duration of the identified events or use.
- F10. Prior to the commencement of out of hours events (community use) run by external parties on the Main Campus that involve 100 or more people, the Applicant is to prepare an Out of Hours

Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary. The plan must 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 rooftop terrace, where applicable, restricting use before 8 am and after 10 pm;
- (f) measures to minimise localised traffic and parking impacts;
- (g) measures to minimise and monitor noise impacts on any sensitive residential receivers, including the measures described in the acoustic management plan prepared in accordance with condition E14;
- (h) details of how the school will require community users to comply with the terms of the Management Plan; and
- (i) measures to ensure the safe evacuation from the roof top terraces.

F11. The Out of Hours Event Management Plan (Community Use) must be implemented by the Applicant for the duration of the identified community event or use.

Operation of Plant and Equipment

F12. 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

F13. 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

F14. The Community Communication Strategy, as approved by the Planning Secretary in accordance with condition C13, must be implemented for a minimum of 12 months following the completion of construction.

Heritage Interpretation Plan

F15. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition E10.

Operational Noise Limits

F16. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise Impact Assessment dated 1 April 2019 and prepared by SLR.

F17. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to in condition F16 above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

F18. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Green Travel Plan

- F19. The Green Travel Plan required by condition E9 of this consent must be updated annually and implemented.

Outdoor Lighting

- F20. Notwithstanding Condition E22, 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.
- F21. Lighting on the rooftop terrace must be operated and maintained in accordance with the details approved under condition B8.

Fire Safety Certificate

- F22. 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.

Landscaping

- F23. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B5 for the duration of occupation of the development.

Rainwater Harvesting

- F24. The Applicant must implement the rainwater re-use plan required by condition C28 for the duration of the development.

APPENDIX 1 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 Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition D43 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

APPENDIX 2 SCHEDULE OF EVENTS OUTSIDE SCHOOL HOURS (SCHOOL-RELATED)

Facility	Event	Days of the week	Frequency (days per year)	Hours / duration of use	Maximum attendance at event / use
Chapel terrace roof	Class reunions	Friday / Saturday	10	6pm to 10pm / 4 hours	100
Chapel terrace roof	New Year's Eve		1	5pm to 12:30am / 7.5 hours	320
Chapel terrace roof	College staff events	Thursday / Friday	8	3:30pm to 5:30 / 2 hours	150
Chapel terrace roof	Parent events	Friday / Saturday	12	7pm to 10pm / 3 hours	320
Chapel terrace roof	College events	Monday to Saturday	10	7pm to 10pm / 3 hours	320
Multipurpose hall	Music recitals / drama productions	Thursday to Saturday	10	6pm to 9pm / 3 hours	100
Proposed rooftop terrace	Parent event	Saturday	1	7pm to 10pm / 3 hours	1180
Proposed rooftop terrace	Father / Son BBQ	Friday	1	6pm to 9pm / 3 hours	400
Proposed rooftop terrace	New Year's Eve		1	5pm to 12:30am / 7.5 hours	1180

Note: Use of the Chapel terrace roof and proposed rooftop terrace for the above purposes is ordinarily incidental or ancillary to the development of the land for the purposes of an Education Establishment.

APPENDIX 3 SCHEDULE OF COMMUNITY EVENTS OUTSIDE SCHOOL HOURS (NON-SCHOOL RELATED)

Facility	Event	Days of the week	Frequency (days per year)	Hours / duration of use	Maximum attendance at event / use
Chapel terrace roof	Events hosted by the Society of Jesus	Thursday to Saturday	2 to 4	6pm to 9pm / 3 hours	40
Chapel terrace roof	External group hire	Monday to Saturday	10	7pm to 10pm / 3 hours	100

Note: Use of the Chapel terrace roof and proposed rooftop terrace for the above purposes is ordinarily incidental or ancillary to the development of the land for the purposes of an Education Establishment.