

# Development consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 14 September 2011, the Planning Assessment Commission of NSW determines:

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3; and
- (b) that, pursuant to section 89D(2) of the *Environmental Planning and Assessment Act 1979*, any subsequent stage of the development, not being for the purpose of an educational establishment with a capital investment value in excess of \$30 million, is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.



**Member of the Commission Member of the Commission Member of the Commission**

Sydney

06 April 2016

### SCHEDULE 1

<b>Application No.:</b>	SSD 6339
<b>Applicant:</b>	St Catherine's School
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	St Catherine's School, 26 Albion Street, Waverley (Lot 560 DP1138118, Lot 1 DP80046, Lots 12 and 13 DP2049, Lots A, B and C DP318719 and Lot 117 DP1161589)
<b>Development:</b>	<p><u>Concept Proposal</u> for the staged redevelopment of St Catherine's School over 15 years to support up to 1200 students, comprising:</p> <ul style="list-style-type: none"><li>• demolition works;</li><li>• new buildings;</li><li>• alterations and additions;</li><li>• revised access arrangements;</li><li>• revised circulation system;</li><li>• additional car parking (19 spaces); and</li><li>• landscaping works.</li></ul>

Stage 1 works, including:

- demolition of existing swimming pool;
- construction of the Research, Performing Arts and Aquatic Centre building;
- internal alterations to the Dame Joan Sutherland Centre;
- construction of linkages to existing school buildings;
- relocation of existing demountable building;
- construction of additional car parking;
- reconfiguration of existing car parking at Gate 1;
- landscaping works, including tree removal;
- reconfiguration of Macpherson Street drop-off/pick-up arrangements; and
- increase the maximum student population to 1,200 and staff numbers to 212 by 2030.

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	Waverley Council
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>
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
Enrolments	A fulltime enrolled student is calculated as 1.0 based on the proportion of time spent at the school annually, whereas a part-time student, enrolled on (say) a 3 day basis, is calculated as 0.6.
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>St Catherine's School Waverley, Campus Master Plan and Detailed Design of Stage 1 - RPAC (SSD 6339) Environmental Impact Statement to NSW Planning and Environment</i> , prepared by Robinson Urban Planning, dated 23 September 2014.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Major event	Attendance is greater than 250 people
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successor
OTMP	Operational Transport Management Plan
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Response to Submissions (RtS)	Response to Submissions report titled, <i>St Catherine's School Waverley, Campus Master Plan &amp; Detailed Design of Stage 1 - RPAC (SSD 6339), Submissions Report</i> prepared by Robinson Urban Planning, dated 25 June 2015.
RPAC	Research, Performing Arts and Aquatic Centre building
RtS	Memorandum titled, <i>Response to Submissions (14 Day Notification)</i> , prepared by Sandrick Project Directions, dated 14 September 2015 and report titled, <i>St Catherine's School Travel Strategies Transport Report</i> , prepared by Arup Pty Ltd, dated 23 September 2015.
Supplementary Responses	
RMS	Roads and Maritime Services Division or its successor
PCA	Principal Certifying Authority
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate

Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Subject Site	St Catherine's School 26 Albion Street (Lot 560 DP1138118 and Lot 1 DP80046) 2 Macpherson Street (Lots 12 and 13 DP2049) 323 Bronte Road (Lot A DP318719) 325 Bronte Road (Lot B DP318719) 1 Leichhardt Street (Lot C DP318719) 315-317 Bronte Road (Lot 117 DP1161589)
Zone of Influence	The horizontal distance from the edge of the excavation site or any construction zone (including on-site haulage routes) to twice the maximum excavation depth.

## SCHEDULE 2

### CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

#### PART A TERMS OF CONSENT

##### Development Description

- A1. Except as amended by the conditions of this consent, development consent is granted to the 'concept proposal' as described in Schedule 1 and the Environmental Impact Statement, as amended by the RtS (as further amended by the RtS Supplementary Responses), and the conditions contained in this development consent.

##### Determination of Further Development Applications

- A2. In accordance with section 83B(3)(a) of the EP&A Act, all development under the 'concept proposal' shall be the subject of subsequent development application(s).
- A3. The determination of the future development application(s) are to be generally consistent with the terms of this development consent as described in Schedule 1, and subject to the conditions in Part B, Schedule 2.

##### Development in Accordance with Plans and Documents

- A4. The applicant shall carry out the development generally in accordance with the:
- a) State Significant Development Application SSD 6339;
  - b) Environmental Impact Statement except where amended by the Response to Submissions and the RtS Supplementary Responses;
  - c) the conditions of this consent; and
  - d) the following drawings, except for:
    - i) any modifications which are Exempt or Complying Development;
    - ii) as otherwise provided by the conditions of this consent.

Building Envelope Drawings prepared by PD Mayoh Pty Ltd			
Drawing No.	Issue	Name of Plan	Date
A.000	B	COVER SHEET 7 STAGING DIAGRAM	24.09.14
A.MP.007	C	CAMPUS SITE IMPACT ASSESSMENT 1: ENTRY POINTS AND PEDESTRIAN MOVEMENT & TRAFFIC MANAGEMENT AND PARKING	01.10.15
A.MP.008	A	CAMPUS SITE IMPACT ASSESSMENT 2: PRECINCTS & LANDSCAPE AREA AND BUILDING FOOTPRINT	03.07.14
A.MP.009	A	CAMPUS SITE IMPACT ASSESSMENT 3: GROSS FLOOR AREA CALCULATIONS & HEIGHT	03.07.14
A.MP.020	A	MASTER PLAN – LEVEL 1	03.07.14
A.MP.021	A	MASTER PLAN – LEVEL 2	03.07.14
A.MP.022	A	MASTER PLAN – LEVEL 3	03.07.14
A.MP.023	A	MASTER PLAN – LEVEL 4	03.07.14
A.MP.024	A	MASTER PLAN – LEVEL 5	03.07.14
A.MP.025	A	MASTER PLAN – LEVEL 6	03.07.14
A.MP.026	A	MASTER PLAN – LEVEL 7	03.07.14
A.MP.027	A	MASTER PLAN – LEVEL 8	03.07.14

A.MP.028	A	MASTER PLAN – ROOF PLAN	03.07.14
A.MP.030	A	SECTIONS – A, B, C & D	03.07.14
A.MP.031	A	SECTIONS – E, F & G RPAC	03.07.14
<b>Concept Landscape Plan prepared by SILK Consulting Landscape Architects</b>			
<b>Drawing No.</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
MP-100	G	LANDSCAPE MASTER PLAN	19.08.14

### Gross Floor Area

A5. The maximum gross floor area allowed by this approval for the site is 22,598 sqm.

### Student and Staff Population

A6. The student population and associated staff numbers must not respectively exceed 1,050 and 202 until 1 January 2021 after which time student numbers may increase, in accordance with the following table until the maximum threshold of 1,200 students has been reached in 2030.

YEAR	MAXIMUM NUMBER OF STUDENTS	MAXIMUM NUMBER OF STAFF
2016 - 2020	1,050	202
2021	1,065	212
2022	1,080	212
2023	1,195	212
2024	1,110	212
2025	1,125	212
2026	1,140	212
2027	1,155	212
2028	1,170	212
2029	1,185	212
2030	1,200	212

Notwithstanding the above figures, student numbers are also subject to the satisfactory implementation of the Operational Transport Management Plan (OTMP) as prescribed in condition A8, A9 (OTMP) and condition E4 of Schedule 3.

### Car Parking

A7. A minimum of 75 car parking spaces shall be provided on the site at the completion of all development approved under this concept proposal.

### Operational Transport Management Plan (OTMP)

A8. The applicant shall prepare an Operational Transport Management Plan (OTMP) for St Catherine's School. The plan must identify mode share targets for the proposed travel strategies that target a reduction in private vehicle trips and ensure no net increase in vehicle trips, as detailed in condition A8 of Schedule 3.

### **Inconsistency between Documents**

- A9. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### **Lapsing of approval**

- A10.
- a) This approval does not allow any components of the concept proposal except Stage 1 works as described in Schedule 1 to be carried out without further approval or consent being obtained.
  - b) This approval will lapse five (5) years from the date of this approval unless works the subject of any related application are physically commenced, on or before that lapse date.

### **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 Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

### **Legal notices**

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

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## **PART B      CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS**

### **Traffic, Access and Car Parking**

- B1. All future development applications for new built form shall be accompanied by a detailed assessment of the traffic and transport impacts associated with that use on the surrounding road network and intersection capacity, and shall detail provisions to promote non-car travel modes.
- B2. All future development applications for new built form shall satisfactorily detail how active transport modes and facilities have been incorporated into the respective proposed development.

### **Built Form and Urban Design**

- B3. The Stage 2 Jane Barker Hall Site New Build building envelope is restricted to a maximum height of RL 100.5 and is to be contained within the building envelope illustrated on the approved plans referenced in Condition A4 of Part A of Schedule 2.
- B4. The Stage 5 Nan Hind Centre Extension building envelope is restricted to a maximum height of RL 100.8 and is to be contained within the building envelope illustrated on the approved plans referenced in Condition A4 of Part A of Schedule 2.
- B5. Future development applications shall include a Crime Prevention Through Environmental Design assessment, including detailing measures to maximise student, pedestrian and public safety through the implementation of the Crime Prevention through Environmental Design principles.

## **Landscaping**

- B6. All future development applications must include detailed landscape plans identifying the vegetation to be removed or relocated and the location of replacement and additional landscaping, and must be generally in accordance with the approved landscape concept in Condition A4 of Part A of Schedule 2.

Detailed landscape plans should include relevant details of the species to be used in the various landscapes areas (preferably species indigenous to the area), including details of the informal native and cultural avenue plantings, and other soft and hard landscape treatments, including any pavement areas and modular and sculptural seating.

## **Heritage**

- B7. All future development applications shall be accompanied by a Heritage Impact Statement addressing their impacts.
- B8. Future development applications involving demolition of Jane Barker Hall shall include a digital photographic archival recording of Jane Barker Hall.

## **Noise and Vibration**

- B9. All future development applications for new built form shall be accompanied by a noise and vibration assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities at all stages of construction, and any noise sources during operation. Details are to be provided outlining any mitigations measures to ensure the amenity of adjoining sensitive land uses is protected throughout the construction and operational periods.

## **Contamination**

- B10. Future development applications for new built form shall be accompanied by a detailed site investigation report, including an assessment of potential site contamination.

## **Ecologically Sustainable Development**

- B11. Future development applications for new built form shall demonstrate how the principles of ESD have been incorporated into the design, construction and on-going operation of future developments.

## **Building Code of Australia**

- B12. All future development applications shall demonstrate compliance with the Building Code of Australia, as relevant.

## **Utilities**

- B13. All future development applications for new built form shall 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**

- B14. Future development applications for new built form shall be accompanied by 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.



**Disability Access**

- B15. Where relevant, future development applications shall 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**

- B16. Where relevant, future development applications shall include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.

## SCHEDULE 3

### CONDITIONS OF CONSENT FOR STAGE 1 WORKS

#### PART A ADMINISTRATIVE CONDITIONS

##### Development Description

A1. Consent is granted to the 'Stage 1 works' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions and RtS Supplementary Responses, and the conditions contained in this development consent.

##### Development in Accordance with Plans and Documents

- A2. The applicant shall carry out the 'Stage 1 works' generally in accordance with the:
- a) State Significant Development Application SSD 6339;
  - b) Environmental Impact Statement except where amended by the Response to Submissions and the RtS Supplementary Responses;
  - c) the conditions of this consent;
  - d) following drawings, except for:
    - i) any modifications which are 'Exempt' or 'Complying Development'; and
    - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by <i>PD Mayoh Pty Ltd</i>			
Drawing No.	Revision	Name of Plan	Date
A.004	A	DEMOLITION PLAN	03.07.14
A.100	A	FLOOR PLAN – LEVEL 1 RL 73.10	03.07.14
A.101	A	FLOOR PLAN – LEVEL 2 RL 77.90	03.07.14
A.102	A	FLOOR PLAN – LEVEL 3 RL 82.28	03.07.14
A.103	A	FLOOR PLAN – LEVEL 4 RL 85.90	03.07.14
A.104	A	FLOOR PLAN – LEVEL 5 RL 85.90	03.07.14
A.105	A	FLOOR PLAN – LEVEL 6 RL 91.90	03.07.14
A.106	A	FLOOR PLAN – LEVEL 7 RL 95.20	03.07.14
A.107	A	ROOF PLAN	03.07.14
A.150	A	ELEVATIONS SOUTH AND EAST	03.07.14
A.151	A	ELEVATIONS NORTH AND WEST	03.07.14
A.160	A	SECTIONS A, B & C	03.07.14
A.161	A	SECTIONS D, E & F	03.07.14
Landscape Plans prepared by <i>SILK Consulting Landscape Architects</i>			
Drawing No.	Issue	Name of Plan	Date
DA-L-01	E	DEVELOPMENT APPLICATION LANDSCAPE PLAN	19.08.14
DA-L-02	D	STAGE 1 RPAC – TREE MANAGEMENT PLAN	19.08.14
DA-L-03	C	DEVELOPMENT APPLICATION LANDSCAPE SECTIONS	14.08.14

### **Inconsistency between Documents**

- A3. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### **Development Expenses**

- A4. It is the responsibility of the applicant to meet all expenses incurred in undertaking the project, including expenses incurred in complying with conditions imposed under this approval.

### **Lapsing of Approval**

- A5. This consent will lapse five (5) years from the date of consent unless the works associated with the development have physically commenced.

### **Development Contributions**

- A6. In accordance with Division 6 of Part 4 of the Act, the applicant shall pay the following section 94A monetary contributions:
- a) Amount of Contribution
    - i) \$386,834.07
  - b) Timing and Method of Payment
    - i) The contribution shall be paid in the form of cash or bank cheque, made out to Waverley Council.
    - ii) Evidence of the payment to Waverley Council shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
  - c) Indexing

The contributions will be adjusted in accordance with the requirements of the Waverley Council Development Contributions Plans 2006.

### **Community Engagement**

- A7. The applicant must establish and operate a Community Consultative Committee (CCC) during construction and operation of the project in accordance with the Draft Consultative Committee Guidelines State Significant Projects (Department of Planning and Environment, 2016, or its latest version), unless otherwise approved by the Secretary. This CCC must:
- a) be operating prior to the issue of any Construction Certificate;
  - b) meet at least quarterly, and for a period of at least two years post the commencement of operation, or as otherwise approved by the Secretary; and
  - c) review:
    - i) traffic and parking impacts, independent audit reports; and
    - ii) the implementation and effectiveness of the Operational Transport Management Plan including the results of the monitoring conducted under the plan.

## **Operational Transport Management Plan**

- A8. The applicant must prepare and implement (within 3 months of its approval) an Operational Transport Management Plan (OTMP) for St Catherine's School in consultation with Council and the local community, which must identify mode share targets for the proposed travel strategies that target a reduction (and ensure "no increase") in private vehicle trips to the site (as compared to the figures provided in the EIS). The OTMP must be approved by the Secretary:
- a) prior to the issue of any Construction Certificate and must include details regarding the travel strategies and interim traffic management measures (including details for management of the drop-off/pick-up zones, including training for supervising staff/traffic controllers) and must be updated to the satisfaction of the Secretary;
  - b) prior to the issue of any Occupation Certificate for the RPAC and must include details regarding the travel strategies and the final traffic management measures (including details for management of the drop-off/pick-up zones, including training for supervising staff/traffic controllers), and taking the monitoring results (required in condition A9) into account; and
  - c) prior to any increase in student enrolment/staff numbers above 1050 students and 202 staff and taking the monitoring and road safety audit results (required in condition A9 and E2) into account.
- A9. The OTMP must provide details for each of the travel strategies and must address the following matters for each of the travel strategies:
- a) objectives and targets;
  - b) timing;
  - c) responsibility;
  - d) funding;
  - e) implementation;
  - f) monitoring regime to evaluate each strategy; and
  - g) monitoring of whether the overall strategies are meeting the targeted reductions in private car trips.
- A10. The School must make the approved OTMP, any updated OTMP and the results of the monitoring and independent auditing conducted as part of the OTMP, publicly available on the school's website and available to the Community Consultative Committee.

## **Traffic Control Officer**

- A11. Prior to the commencement of any works on the site, the applicant must employ a qualified Traffic Control Officer to manage the school's traffic and car parking impacts, in accordance with the approved OTMP. The traffic control officer must be present on-site during student drop-off and pick-up hours and will be responsible for:
- a) monitoring and supervising traffic and parking arrangements;
  - b) coordinating the implementation of the OTMP, and any relevant construction traffic and pedestrian management plan in place; and
  - c) liaising with Council inspectors and surrounding residents on traffic and parking impacts.

### **Waste Collection Access Arrangements**

A12. The applicant must ensure that all operational waste collection services use Leichhardt Lane. To ensure pedestrian safety, waste collection services must:

a) enter and exit the laneway, and the site, in a forward direction;

OR, where A12a) is not possible,

b) only conduct reverse movements with the assistance of a rear lookout person.

### **Prescribed Conditions**

A13. The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

### **Secretary as Moderator**

A14. Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within two months or a timeframe otherwise agreed to by the Secretary, the matter is to be referred to the Secretary for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Secretary's resolution of the matter will be binding on the parties.

### **Long Service Levy**

A15. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 14 41.

### **Legal Notices**

A16. Any advice or notice to the consent authority shall be served on the Secretary.

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## **PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

*Note: Conditions below that refer to actions "prior to issue of a construction certificate" may be read as prior to issue of a construction certificate for the relevant stage, unless otherwise indicated as to be satisfied prior to issue of any construction certificate.*

### **Design Modifications**

B1. In order to address amenity impacts, the design of the RPAC building shall be amended to include obscure glazing along the eastern elevation of the research centre up to a height of 1,800 mm as measured from each floor level.

Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Macpherson Street Pedestrian Crossing and Bus Stop**

B2. The design of the relocation of the pedestrian crossing and bus stops on Macpherson Street must be approved by the relevant local traffic committee. A copy of the approval shall be submitted to the Department and the Certifying Authority.

### **Noise Attenuation Measures**

- B3. Prior to issue of a Construction Certificate, the applicant shall demonstrate to the Certifying Authority that the design of the plant, aquatic centre, auditorium and hall meet the RPAC Site Specific Noise Criteria identified in St Catherine's School Campus Masterplan & Stage 1 Construction & Operational Noise Report prepared by Wilkinson Murray Pty Limited, dated April 2014 (Version C).

### **Access for People with Disabilities**

- B4. The RPAC building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any Construction Certificate drawings.

### **Bicycle Spaces**

- B5. A minimum of 100 bicycle spaces are to be provided as part of the Stage 1 works. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- B6. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.
- B7. The number of storage, change room and shower facilities for the 100 bicycle spaces shall comply with the requirements of the Planning Guidelines for Walking and Cycling.

### **Car Park and Service Vehicle Layout**

- B8. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- a) all vehicles (including garbage trucks) must be able to adequately access and egress the Subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave in a forward direction, then all reversing movements must be undertaken under the control of certified traffic controllers to ensure the public's safety when vehicles are reversing;
  - b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) must be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage;
  - c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
  - d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
  - e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Subject Site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

### **Design of Food Premises**

- B9. The fitout of the food premises shall be carried out in accordance with AS 4674 *Design, construction and fit-out of food premises*. Details of compliance with the relevant provisions of the food code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

## **Reflectivity**

- B10. The building materials used on the facades of the RPAC building shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

## **Outdoor Lighting**

- B11. All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

## **Storage and Handling of Waste**

- B12. The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The applicant shall demonstrate that the requirements of Council's DCP have been met to the satisfaction of the Certifying Authority.

## **Structural Details**

- B13. Prior to the issue of a relevant Construction Certificate, the applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA; and
  - b) the development consent.

## **Road Design**

- B14. All roads works shall be designed in consultation with the relevant requirements of Council, Transport for NSW and the RMS (if applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the local traffic committee for approval. The traffic committed endorsed plans shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate
- B15. Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (pedestrian crossings, etc.) and paved footpaths shall be constructed along the full length any road works.

## **Erosion and Sedimentation Control**

- B16. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

## **Pre-Construction Dilapidation Reports**

- B17. The applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the any Construction Certificate. A copy of the report is to be forwarded to the Council and each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

## **Mechanical Ventilation**

- B18. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate.

## **Stormwater and Drainage Works Design**

- B19. Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council shall be submitted to the Certifying Authority prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

# **PART C PRIOR TO COMMENCEMENT OF WORKS**

## **Demolition**

- C1. Any demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall 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 shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

## **Notice of Commencement of Works**

- C2. The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the Subject Site.

## **Construction Certificates**

- C3. The applicant must supply the Council and the Department of Planning and Environment with a copy of the Construction Certificate within two days from the date of its issue.



## **Construction Environmental Management Plan**

- C4. Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Secretary. The Plan shall address, but not be limited to, the following matters where relevant:
- a) hours of work;
  - b) 24 hour contact details of site manager;
  - c) complaints management system that would be implemented for the duration of the project;
  - d) traffic management, in consultation with the Council;
  - e) construction noise and vibration management, prepared by a suitably qualified person;
  - f) management of dust to protect the amenity of the neighbourhood;
  - g) erosion and sediment control;
  - h) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  - i) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
  - j) flora and fauna management; and
  - k) on-site and off-site car parking for construction staff.
- C5. The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- C6. The applicant shall submit a copy of the CEMP to the Council, prior to commencement of work.

## **Traffic and Pedestrian Management Plan**

C7.

- a) Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person must be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The Plan must be prepared in consultation with the Council, and where required, the approval of the Council's traffic committee obtained.
- b) The Plan shall address, but not be limited to, the following matters:
  - i) ingress and egress of vehicles to the Subject Site;
  - ii) loading and unloading, including construction zones;
  - iii) construction traffic and construction car parking arrangements, including measures to reduce travel to the Subject Site by private vehicle such as incentives to encourage public transport use or carpooling;
  - iv) predicted traffic volumes, types and routes; and
  - v) pedestrian and traffic management methods.
- c) The applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.

## **Noise and Vibration Management Plan**

- C8. The applicant shall prepare and implement a Construction Noise and Vibration Management Plan and the plan must:
- a) be prepared by a suitably qualified expert;
  - b) be prepared in consultation with Council and all noise sensitive receivers where noise levels exceed the construction noise management level, and in accordance with EPA guidelines
  - c) be approved by the Certifying Authority prior to the issue of a Construction Certificate.
  - d) prior to the commencement of any works on the project site;
  - e) describe the measures that would be implemented to ensure:
    - best management practice is being employed;
    - compliance with the relevant conditions of this approval;
  - f) describe the proposed noise and vibration management measures in detail;
  - g) include strategies that have been developed with the community, including all noise sensitive receivers where noise levels exceed the construction noise management level, for managing high noise generating works;
  - h) describe the community consultation undertaken to develop the strategies in e) above;
  - i) evaluates and reports on the effectiveness of the noise and vibration management measures; and
  - j) include a complaints management system that would be implemented for the duration of the project.

## **Waste Management Plan during construction**

- C9.
- a) Prior to the commencement of works on the Subject Site, a Construction Waste Management Plan (CWMP) that addresses those works, must be prepared by a suitably qualified person, in consultation with the Council, and approved by the Certifying Authority, prior to the issue of a Construction Certificate. The Plan shall address, but not be limited to, the following matters:
    - i) Recycling of demolition materials including concrete;
    - ii) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines;
  - b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
  - c) The applicant shall submit a copy of the final plan to the Department and to the Council, prior to commencement of the work covered by the plan.
  - d) The applicant must notify the Roads and Maritime Services' Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

## **Utility Services**

- C10. Prior to the commencement of work, the applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

- C11. Prior to the commencement of works, written advice shall 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 provision of adequate services.

## **PART D DURING CONSTRUCTION**

### **Hours of Work**

- D1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7 am and 6 pm, Mondays to Fridays inclusive;
  - b) between 8 am and 1 pm, Saturdays;
  - c) no work on Sundays and public holidays; and
  - d) works may be undertaken outside these hours where:
    - i) the delivery of materials is required outside these hours by the Police or other authorities;
    - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
    - iii) variation is approved in advance in writing by the Secretary or her/his nominee.
- D2. The applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Secretary.
- a) 9 am to 12 pm, Monday to Friday;
  - b) 2 pm to 5 pm Monday to Friday; and
  - c) 9 am to 12 pm, Saturday.

### **Erosion and Sediment Control**

- D3. All erosion and sediment control measures are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **Disposal of Seepage and Stormwater**

- D4. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### **Approved Plans to be On-site**

- D5. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

## **Site Notice**

D6.

- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of the project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- b) The notice(s) is to satisfy all, but not be limited to, the following requirements:
  - i) minimum dimensions of the notice are to 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 are to 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 Subject Site is not permitted.

## **Protection of Trees**

- D7. No street trees are to 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.
- D8. All street trees not approved for removal shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- D9. All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

## **Construction Noise Management**

- D10. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- D11. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D12. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.

## **Vibration Criteria**

- D13. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
  - a) for structural damage vibration, German Standard DIN 4150 Structural Vibration Part 3 - Effects of Vibrations on Structures; and

- b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006).
- D14. These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan approved by the Secretary.
- D15. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

### **Work Cover Requirements**

- D16. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

### **Hoarding Requirements**

- D17. The following hoarding requirements shall be complied with:
- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - b) the construction site manager shall 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.

### **Waste Management Plan during construction**

- D18. The builder and all subcontractors shall comply with the approved CWMP (required by condition C9) at all times during construction. At least one copy of the CWMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

### **Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics**

- D19. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch is to be contacted. Depending on the possible significance of the relics, an archaeological assessment and further approval from OEH Heritage Branch may be required before further works can continue in that area.

### **Discovery of Aboriginal Heritage**

- D20. In the event that surface disturbance identifies any Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and a registered Aboriginal representative must be contacted to determine the significance of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The applicant must consult with the Aboriginal community representatives, the archaeologist and the OEH to develop and implement management strategies for all objects/sites.

## **PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Dame Joan Sutherland Centre and RPAC vehicle entry**

- E1. Vehicle access to and from the RPAC must be undertaken by a left-in/left-out movement only. The applicant shall identify and adopt the necessary measures to implement this restriction and to prevent right turn movements.

### **Macpherson Street Pedestrian Crossing and Bus Stop**

- E2. Prior to any increase in student population above 1050 student enrolments:
- a) the modifications to the Macpherson Street pedestrian crossing and bus stop arrangements must be completed;
  - b) an independent road safety audit for the reconfigured Macpherson Street drop-off/pick-up zone and pedestrian facilities must be undertaken and any matters identified in this audit resolved; and
  - c) the Operational Traffic Management Plan for the Macpherson Street drop-off/pick-up must be prepared and implemented.

### **Road Safety**

- E3. Should road safety audits (see condition E2 above) identify any issues, or should monitoring identify that the physical improvements to the Macpherson Street drop-off/pick-up zone have not been effective in improving drop-off/pick up procedures and through traffic flow, the OTMP must explore the following supplementary measures (and be updated to incorporate any recommendations of the review), to the satisfaction of the Secretary:
- a) closing the westernmost gate on Macpherson Street to encourage use of the full length of the Macpherson Street drop-off/pick-up zone;
  - b) installation of physical measures to provide deterrents to prevent illegal drop-off/pick-up such as fencing or landscaping within the 'No Stopping' zones or video surveillance;
  - c) provision of additional supervising staff/traffic controllers, including for use of the aquatic centre before and after school, at designated drop-off areas or delayed pick-up times for parents who are identified as routinely performing unsafe or illegal drop-off/pick-ups; and
  - d) use of the basement car park for early aquatic centre use drop-off.

### **Implementation of Operational Transport Management Plan**

- E4. Prior to the commencement of operations of the new facilities, and to each increase in students/staff numbers in accordance with those specified in the table contained in condition A6 of Schedule 2, the applicant must provide verification that all the required OTMP measures have been correctly implemented and targets achieved to the satisfaction of the Secretary.

### **Revised Indicative Usage Profile – Aquatic Centre, Auditorium and Hall**

- E5. The Indicative Usage Profile submitted with the RtS shall be updated as follows:
- a) all performing arts and social evening events (starting after 5 pm) shall not commence until 6:30 pm;
  - b) all performing arts and social evening events must finish by 9.30 pm except for the annual borders dance which shall finish by 10 pm;

- c) the inclusion of non-school student participants is limited to either the squad swimming or the water polo training evening sessions (from 6 pm);
  - d) 'learn to swim' for non-students on weekdays outside of school hours is only permitted after 4 pm; and
  - e) a minimum 15 minute transition period shall be provided between scheduled sessions for each activity on weekends.
- E6. The revised Indicative Usage Profile shall be submitted to the satisfaction of the Secretary prior to the issue of any Occupation Certificate.

### **Operational Traffic Management Plan – Use of Aquatic Centre and Major Events**

- E7. The Operational Traffic Management Plan for use of the aquatic centre or for major events held in the auditorium or hall shall address measures to ensure that:
- a) all car spaces within the Dame Joan Sutherland Centre and RPAC basements (minimum 47 spaces) will be made available for aquatic centre users after 6 pm on weekdays and all day during the weekend;
  - b) all car spaces on site (minimum 75 spaces) will be made available to attendees of all major events held in the auditorium or hall where non-students are in attendance; and
  - c) the aquatic centre is not available to external attendees when there is any evening or weekend event occurring on site.

### **Green Star**

- E8. Prior to occupation of the RPAC building, the applicant shall demonstrate to the satisfaction of the PCA that the building has been designed and constructed to achieve a minimum 4 star Green Star rating or equivalent by providing a certificate stating as such from an appropriately qualified ESD consultant.

### **Mechanical Ventilation**

- E9. Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) the Building Code of Australia;
  - b) Australian Standard AS1668 and other relevant codes;
  - c) the development consent and any relevant modifications; and
  - d) any dispensation granted by the New South Wales Fire Brigade.

### **Road Damage**

- E10. 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/developer prior to the issue of any Occupation Certificate.

### **Registration of Easements**

- E11. Prior to the issue of any Occupation Certificate, the applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

### **On-Site-Detention Positive Covenant/Restriction**

E12. Prior to issue of any Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the PCA prior to issue of any Occupation Certificate.

### **Sydney Water Compliance**

E13. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to issue of any Occupation Certificate.

### **Post-construction Dilapidation Report**

E14. Prior to the issue of any Occupation Certificate:

- a) The applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
  - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report is to be forwarded to the Council and each of the affected property owners.

### **Fire Safety Certification**

E15. Prior to the issue of any Occupation Certificate, a Fire Safety Certificate shall 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, and be prominently displayed in the building.

### **Structural Inspection Certificate**

E16. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to Council after:

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



## **PART F POST OCCUPATION**

### **Event Schedule**

- F1. An up to date event schedule shall be maintained and must:
- a) identify the dates for all the annual events (excluding student only events), time of events and the number of attendees;
  - b) be displayed in a convenient and publicly accessible location or distributed to surrounding residents on an annual basis, including notification of any changes to events; and
  - c) establish a notification process (e.g. letterbox drop or e-communication) for informing surrounding residents within one week to a fortnight before the event of the upcoming event.

### **Review of the Operational Transport Management Plan**

- F2. Independent traffic and on-street parking reviews (including travel behaviour analysis, on-street counts, review of any complaints received, review of issues raised in the quarterly meetings required by condition A7 and observation of all drop-off/pick-up areas) should be undertaken six months after any student increase or commencement of operations of the RPAC and then annually to determine the effectiveness of the measures detailed in the Operational Transport Management Plan. A copy of the Review is to be provided to the Secretary, and the Community Consultative Committee, including advice as to whether an update of the OTMP is required.
- F3. If the review process for the Operational Transport Management Plan identifies that the mode share targets and the minimum requirement for “no increase in traffic” are not being met, the applicant shall update the Operational Transport Management Plan to reflect alternate measures that are effective in meeting the targets to the satisfaction of the Secretary. If alternate measures have not been effective in meeting the minimum requirement for “no increase in traffic” at the next annual review, a further traffic assessment shall be prepared in consultation with Council to:
- a) identify potential road upgrades that are required to maintain existing traffic efficiency; and
  - b) provide evidence to support the proposed contribution to the road upgrade to be provided by the applicant.

In the event there is any disagreement between the Council and the applicant on the road upgrade contribution to be provided by the applicant (whether it be the quantum or timing), the Secretary’s decision shall be final.

- F4. Until such time as the identified road upgrades have been completed in accordance with the approved OTMP and to the satisfaction of the Secretary, student enrolments must not exceed student enrolment numbers as identified in the previous annual review (required by condition F2 above).
- F5. If the review process for the Operational Transport Management Plan identifies that the mode share targets are not being met, use of school facilities by external parties during normal school hours must cease and must not recommence until alternate measures have been demonstrated to be successful in promoting a shift in travel mode shares.

### **Operation of the Aquatic Centre, Auditorium and Hall**

- F6. The operation of the Aquatic Centre, Auditorium and Hall shall be in accordance with the Revised Indicative Usage Profile required by condition E8 of this consent or unless otherwise approved by Council.
- F7. The maximum number of attendees, including performers and spectators, must not exceed the forecast attendance in the revised Indicative Usage Profile.

### **Aquatic Centre Use**

- F8. The hours of operation for the aquatic centre shall be restricted to between:
  - a) 6 am and 8 pm, Mondays to Fridays inclusive;
  - b) 8 am and 6 pm, Saturdays and Sundays;
- F9. The aquatic centre must not be used by external attendees when any evening or weekend events are being held in the auditorium or hall.

### **Loading and Unloading**

- F10. All loading and unloading of service vehicles in connection with the use of the premises (other than the waste collection undertaken in Leichhardt Lane) shall be carried out wholly within the site at all times.

### **Unobstructed Driveways and Parking Areas**

- F11. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

### **Noise Control – Plant and Machinery**

- F12. Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5dB(A) above the rating background noise level when measured at the boundary of the sensitive receiver.
- F13. The applicant shall undertake a noise monitoring program for a minimum period of one month following the commencement of operations on the Site. The monitoring program shall be undertaken by an appropriately qualified person and monitoring reports shall be submitted to the Department at two months and one year to verify that operational noise levels do not exceed the RPAC Site Specific Noise Criteria identified in St Catherine's School Campus Masterplan & Stage 1 Construction & Operational Noise Report prepared by Wilkinson Murray Pty Limited, dated April 2014 (Version C). Should the noise monitoring program identify any exceedance of the noise criteria referred to above, the applicant is required to implement appropriate noise attenuation measures so that operational noise levels comply with the criteria.

### **Noise Control – Aquatic Centre, Auditorium and Hall**

- F14. An acoustic management plan shall be prepared for management major events.
- F15. Noise monitoring shall be undertaken for each of the following events/uses for the two initial events to confirm that the operation of the events meet RPAC Site Specific Noise Criteria identified in St Catherine's School Campus Masterplan & Stage 1 Construction & Operational Noise Report prepared by Wilkinson Murray Pty Limited, dated April 2014 (Version C):
  - a) use of the aquatic centre for training;
  - b) use of the aquatic centre during competition with spectators;

- c) use of the hall for a function;
  - d) use of the auditorium for a major event with music or amplified sound;
  - e) use of the hall for a function at full capacity with music or amplified sound; and
  - f) use of the auditorium at full capacity with music or amplified sound.
- F16. Should the noise monitoring program identify any exceedance of the predicted noise levels referred to above, the applicant is required to implement appropriate noise attenuation measures to ensure that operational noise levels comply with the predictions.

#### **Storage of Hazardous or Toxic Material**

- F17. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

#### **Public Way to be Unobstructed**

- F18. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

#### **External Lighting**

- F19. External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

#### **Compliance with Food Code**

- F20. 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*. The applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

## **ADVISORY NOTES**

### **Appeals**

AN1. The applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

### **Other Approvals and Permits**

AN2. The applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

### **Responsibility for other Consents / Agreements**

AN3. The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **Temporary Structures**

AN4.

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the Council for the erection of any temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

### **Disability Discrimination Act**

AN5. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN6.

- a) The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities

to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **Asbestos Removal**

AN7. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

### **Site contamination issues during construction**

AN8. All works must cease should any new information come to light, during demolition or construction, which has the potential to alter previous conclusions about site contamination. Works must not recommence on site until consultation is made, and advice has been received from the Department in response to this issue.

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