

Development consent

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

As delegate for the Minister for Planning under delegation executed on 14 September 2011, the Independent Planning Commission of NSW (the Commission):

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

These conditions are required to:

- prevent, minimise, 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

2018

SCHEDULE 1

Application No.:

SSD 7919

Applicant:

Loreto Kirribilli

Consent Authority:

Minister for Planning

Land:

85 Carabella Street, Kirribilli – (Lot 200 DP 1166282)

Development:

Redevelopment of Loreto Kirribilli School, involving:

Concept development application for the staged redevelopment of Loreto Kirribilli School comprising:

- Concept Proposal to support 1,130 students (30 additional students) and 182 full-time equivalent staff members, in three stages over 50 years including:
 - demolition works;
 - maximum building envelopes for new buildings;

- alterations and additions to existing buildings and envelopes for connector pods to improve access arrangements;
- landscaping works including removal of 11 trees; and
- remediation works.
- Stage 1 of the development comprising:
 - demolition of B-Block, sections of the chapel and the sections of buildings in the eastern precinct
 - excavation up to 13 metres (m);
 - construction of a seven-storey learning hub including four-levels of basement and a roof-terrace;
 - extension to the existing gymnasium;
 - construction of a five-storey connector pod in the northern precinct;
 - construction of a connector pod with ramps and stairs in the eastern precinct;
 - construction of a four-storey connector pod in the southern precinct including learning studios and an external learning terrace;
 - alteration and refurbishment of the chapel;
 - walkways connecting buildings;
 - landscaping works including removal of 10 trees;
 - stormwater works and remediation works; and
 - enrolment of 30 additional students and two additional staff members.

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
BCA	Building Code of Australia
Building works	Any physical activity involved in the erection of a building which is above ground level which includes the footings of a building.
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> .
Conditions of this consent	The conditions contained in Schedule 2 of this document.
Construction	All physical work to enable operation, including but not limited to demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure.
Council	North Sydney Council
Day time	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment or its successors
Development	The development described in the EIS and Response to Submissions (RtS), including the works and activities comprising construction and operation of the Loreto Kirribilli School, as modified by the conditions of this consent.
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>Loreto Kirribilli State Significant Development Application - Environmental Impact Statement</i> , prepared by Ethos Urban and dated September 2017 submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, movable object, tree or precinct of heritage significance, that is listed under any of the following: the State Heritage Register under the Heritage Act, a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , a Local Environmental Plan under the EP&A Act, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 2016</i> (Cth), or anything identified as a heritage item under the conditions of this consent.
Heritage Division	The Heritage Division of the Office of Environment and Heritage, or its successor
Incident	An occurrence or set of circumstances that: <ul style="list-style-type: none">• causes, or threatens to cause material harm to the environment; or• results in non-compliance with this consent. <p><i>NOTE: "Harm" is defined in this consent</i></p>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none">(a) involves actual or potential harm to the health or safety of human beings or to ecosystems 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	Minister for Planning, or nominee
NCC	National Construction Code
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident.
Night time	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successor
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PCA	Means a principal certifying authority appointed under section 109E of the EP&A Act, or in the case of Crown development, a person qualified to conduct a Crown Building Work Certification.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to Submissions (RtS)	Response to Submissions report titled <i>Loreto Kirribilli State Significant Development Application – Response to Submissions</i> , prepared by Ethos Urban and dated February 2018.
RMS	Roads and Maritime Services, or its successor
Planning Secretary	Planning Secretary of the Department of Planning and Environment, or nominee/delegate
Planning Secretary's approval, agreement or satisfaction	A written approval from the Planning Secretary (or nominee/delegate). Where the Planning Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Planning Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Planning 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	85 Carabella Street, Kirribilli (Lot 200 DP 1166282)
Supplementary RtS	Supplementary Response to Submissions, prepared by McLaren Traffic Engineering and Ethos Urban dated 11 May 2018, 15 May 2018 and 4 June 2018
TfNSW	Transport for NSW
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 DEVELOPMENT APPLICATION

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, and any rehabilitation required under this consent.

Determination of Future Development Applications

A2. In accordance with section 4.22(1) of the EP&A Act all development under the concept development application shall be subject of future development application(s).

A3. The determination of future development application(s) are to be generally consistent with the terms of development consent SSD 7919 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) in accordance with the EIS as amended by the RtS and Supplementary RtS Information; and
- (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by <i>FJMT</i>			
Dwg No.	Rev.	Name of Plan	Date
MP-1000	4	Cover Sheet	9/01/2018
MP-1001	2	Location Plan - Existing	21/07/2017
MP-1002	2	Site Plan - Existing	21/07/2017
MP-1003	2	Site Analysis	21/07/2017
MP-1004	2	Site Plan - Precincts	21/07/2017
MP-1101	2	Site Plan - Proposed Envelopes Stage 1.1	21/07/2017
MP-1102	2	Site Plan - Proposed Envelopes Stage 1.2	21/07/2017
MP-1103	3	Site Plan - Proposed Envelopes Stage 2	9/01/2018
MP-1104	3	Site Plan - Proposed Envelopes Stage 2	9/01/2018
MP-1105	2	Western Precinct Development Site	21/07/2017
MP-1106	2	Western Precinct Envelope	21/07/2017
MP-1107	2	Northern Precinct Development Site	21/07/2017
MP-1108	2	Northern Precinct Envelope	21/07/2017
MP-1109	3	Eastern Precinct Development Site	9/01/2018
MP-1110	3	Eastern Precinct Envelope	9/01/2018
MP-1111	2	Southern Precinct Development Site	21/07/2017
MP-1112	2	Southern Precinct Envelope 1	21/07/2017
MP-1113	2	Southern Precinct Envelope 2	21/07/2017
MP-2001	2	Masterplan Proposed Plan - LG4 LG3	21/07/2017
MP-2002	2	Masterplan Proposed Plan - LG2 LG1	21/07/2017
MP-2003	3	Masterplan Proposed Plan - G L1	9/01/2018

MP-2004	3	Masterplan Proposed Plan - L2 L3	9/01/2018
MP-2005	2	Masterplan Proposed Plan - L4 L5	21/07/2017
MP-3001	3	Elevation - Elamang Avenue	9/01/2018
MP-3002	2	Elevation - Carabella Street	21/07/2017
MP-4001	3	Sections - Eastern and Southern precincts	9/01/2018
MP-4002	2	Sections - Northern and Southern precincts	21/07/2017
MP-4003	2	Sections - Western precincts	21/07/2017
MP-5001	3	Shadow Diagrams - Existing	25/07/2017
MP-5002	3	Shadow Diagrams - Existing	25/07/2017
MP-5003	3	Shadow Diagrams - Existing	25/07/2017
MP-5004	3	Shadow Diagrams - Existing	25/07/2017
MP-5005	3	Shadow Diagrams - Existing	25/07/2017
MP-5006	3	Shadow Diagrams - Existing	25/07/2017
MP-5007	3	Shadow Diagrams - Existing	25/07/2017
MP-5008	3	Shadow Diagrams - Existing	25/07/2017
MP-5009	3	Shadow Diagrams - Concept Proposal	25/07/2017
MP-5010	3	Shadow Diagrams - Concept Proposal	25/07/2017
MP-5011	3	Shadow Diagrams - Concept Proposal	25/07/2017
MP-5012	3	Shadow Diagrams - Concept Proposal	25/07/2017
MP-5013	3	Shadow Diagrams - Concept Proposal	25/07/2017
MP-5014	3	Shadow Diagrams - Concept Proposal	25/07/2017
MP-5015	3	Shadow Diagrams - Concept Proposal	25/07/2017
MP-5016	3	Shadow Diagrams - Concept Proposal	25/07/2017
Landscape Drawings prepared by <i>Site Image, Landscape Architects</i>			
Dwg No.	Rev.	Name of Plan	Date
003	D	Tree Masterplan	21/02/2018
005	D	Landscape Masterplan	21/02/2018
Stormwater Plans (16652) prepared by <i>Henry and Hymas</i>			
DA_C000	03	Cover Sheet, Drawing Schedule and Locality Sketch	17/07/2017
DA_C050	02	Demolition Plan	17/07/2017
DA_C250	03	Stormwater Pre - Catchment Plan	17/07/2017
DA_C251	03	Stormwater Post - Catchment Plan	17/07/2017

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; and
- (b) the implementation of any actions or measures contained in any such document referred to in (a) above.

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 (c) or (d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 2, condition A4(c) or (d). the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction

of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Inconsistency between documents

- A6. If there is any inconsistency between the plans and documentation referred to above the most recent document must 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.

Student and staff numbers

- A7. The student population and associated full time equivalent staff numbers must not exceed 1,130 (30 additional in senior school) and 182 respectively.

Car Parking

- A8. All existing car parking spaces within the Subject Site and 20 spaces outside the Subject Site must be maintained at all times. Additionally, 20 bicycle spaces must be provided on the Subject Site at all times.

Lapsing of approval

- A9. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

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 shall be binding on the parties.

Legal Notices

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

PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Building Design

- B1. All future development applications for new buildings must include a view analysis, supported by artist's perspectives and photomontages and incorporate proposed privacy measures.
- B2. The building envelope replacing the Mary Ward building in the eastern precinct in Stage 2 must not exceed a maximum height of RL 30.8 and must be contained within the approved building envelope illustrated in the approved plans referenced at Schedule 2, Condition A4.
- B3. The building envelope replacing the existing Junior School building is restricted to a maximum height of RL 38.75 – RL 36.5 and must be contained within the approved building envelope illustrated in the approved plans referenced at Schedule 2, Condition A4.
- B4. All future development applications must include a Crime Prevention Through Environmental Design (CPTED) assessment, which details measures to maximise student, pedestrian and public safety through the implementation of the CPTED principles.

Landscaping

- B5. All future development applications for new built form 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.
- B6. Where required, detailed landscape plans must include relevant details of the species to be used in the various landscapes areas (preferably species indigenous to the area) and the landscape treatments, including any pavement and seating areas.

Heritage

- B7. Where relevant, all future development applications must be accompanied by a Heritage Impact Statement.
- B8. Future development applications involving demolition of the Mary Ward building must include a digital photographic recording of the building.

Noise and Vibration

- B9. All future development applications for new built form must 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 in accordance with the *Masterplan Acoustic Assessment Report* prepared by *Renzo Tonin and Associates* dated 17 August 2017. 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.
- B10. All rehearsal rooms associated with the concept building envelope for a performing arts centre in the southern precinct (Stage 3) must be located below ground level to avoid adverse noise impacts on the nearby residents, unless the design of the future building for this purpose demonstrates that alternative design or proposed management and mitigation measures can achieve compliance with the noise goals identified in the *Masterplan Acoustic Assessment Report* prepared by *Renzo Tonin and Associates* dated 17 August 2017.

Contamination

- B11. All future development applications for new built form must be accompanied by a detailed site investigation report, including an assessment of potential site contamination.

Ecologically Sustainable Development

B12. All future development applications for new built form must demonstrate how the principles of Ecologically Sustainable Development (ESD) have been incorporated into the design, construction and on-going operation of the new buildings.

Utilities

B13. All future development applications for new built form 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

B14. All future development applications for new built form must 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, all future development applications for new built form and extensive refurbishment of any existing buildings 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

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

Traffic, Access and Car Parking

B17. All future development applications for new built form must be accompanied by a detailed assessment of the traffic and transport impacts associated with the proposed use.

B18. All future development applications for new built form must be accompanied by an updated Workplace Travel Plan for the school, outlining the measures to reduce public vehicle usage.

Geotechnical Assessment Report

B19. All future development applications for new buildings 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 during construction.

SCHEDULE 3

CONDITIONS OF CONSENT 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) in accordance with the EIS as amended by the RtS and Supplementary RtS Information; and
- (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by FJMT			
Dwg No.	Rev.	Name of Plan	Date
DA-1001	3	Cover Sheet	25/07/2017
DA-1002	2	Site Plan - Precincts	21/07/2017
DA-1003	2	Site Plan - Proposed Stage 1 Works	21/07/2017
DA-1004	2	Site Plan - Western Precinct	21/07/2017
DA-1005	2	Site Plan - Northern Precinct	21/07/2017
DA-1006	2	Site Plan - Eastern Precinct	21/07/2017
DA-1007	2	Site Plan - Southern Precinct	21/07/2017
DA-2001	2	Masterplan Demolition Plan - LG4 LG3	21/07/2017
DA-2002	2	Masterplan Demolition Plan - LG2 LG1	21/07/2017
DA-2003	2	Masterplan Demolition Plan - G L1	21/07/2017
DA-2004	2	Masterplan Demolition Plan - L2 L3	21/07/2017
DA-2005	2	Masterplan Demolition Plan - L4 L5	21/07/2017
DA-2101	2	Masterplan Proposed Plan - LG4 LG3	21/07/2017
DA-2102	2	Masterplan Proposed Plan - LG2 LG1	21/07/2017
DA-2103	2	Masterplan Proposed Plan - G L1	21/07/2017
DA-2104	2	Masterplan Proposed Plan - L2 L3	21/07/2017
DA-2105	2	Masterplan Proposed Plan - L4 L5	21/07/2017
DA-2201	2	Western Precinct Learning Hub - Lower Ground 4	21/07/2017
DA-2202	2	Western Precinct Learning Hub - Lower Ground 3	21/07/2017
DA-2203	2	Western Precinct Learning Hub - Lower Ground 2	21/07/2017
DA-2204	2	Western Precinct Learning Hub – Lower Ground 1	21/07/2017
DA-2205	2	Western Precinct Learning Hub - Ground Level 1	21/07/2017
DA-2206	2	Western Precinct Learning Hub - Level 1	21/07/2017
DA-2207	3	Western Precinct Learning Hub - Roof-Outdoor Terrace	16/03/2018

DA-2301	2	Northern Precinct - Lower Ground 4	21/07/2017
DA-2302	2	Northern Precinct - Lower Ground 3	21/07/2017
DA-2303	2	Northern Precinct - Lower Ground 2	21/07/2017
DA-2304	2	Northern Precinct - Lower Ground 1	21/07/2017
DA-2305	2	Northern Precinct - Ground Level	21/07/2017
DA-2306	2	Northern Precinct - Level 1 (Roof)	21/07/2017
DA-2401	2	Eastern Precinct - Lower Ground 2 – Stage 1	21/07/2017
DA-2501	2	Southern Precinct - Lower Ground 1	21/07/2017
DA-2502	2	Southern Precinct - Ground level	21/07/2017
DA-2503	2	Southern Precinct - Level 1	21/07/2017
DA-2504	2	Southern Precinct - Level 2	21/07/2017
DA-2505	2	Southern Precinct - Level 3	21/07/2017
DA-2506	2	Southern Precinct - Level 4	21/07/2017
DA-2507	2	Southern Precinct Roof	21/07/2017
DA-3001	2	Elevations - Site	21/07/2017
DA-3002	2	Elevations 1 - Western Precinct Learning Hub	21/07/2017
DA-3003	2	Elevations 2 - Western Precinct Learning Hub	21/07/2017
DA-3004	2	Elevations - Northern Precinct Connector	21/07/2017
DA-3005	2	Elevations - Southern Precinct Connector	21/07/2017
DA-4001	2	Sections 1 - Western Precinct Learning Hub	21/07/2017
DA-4002	2	Sections 2 - Western Precinct Learning Hub	21/07/2017
DA-4003	2	Sections - Western and Eastern Precinct connector	21/07/2017
DA- 4004	2	Sections - Southern Precinct Connector	21/07/2017
DA-5001	3	Stage 1 - Shadow Diagrams	25/07/2017
DA-5002	3	Stage 1 - Shadow Diagrams	25/07/2017
DA-5003	3	Stage 1 - Shadow Diagrams	25/07/2017
DA-5004	3	Stage 1 - Shadow Diagrams	25/07/2017
DA-5005	3	Stage 1 - Shadow Diagrams	25/07/2017
DA-5006	3	Stage 1 - Shadow Diagrams	25/07/2017
DA-5007	3	Stage 1 - Shadow Diagrams	25/07/2017
DA-5008	3	Stage 1 - Shadow Diagrams	25/07/2017
DA-5009	3	111 Carabella Street Façade Shadow Studies	25/07/2017
Landscape Drawings prepared by <i>Site Image, Landscape Architects</i>			
Dwg No.	Rev.	Name of Plan	Date
003	D	Tree Masterplan	21/02/2018
004	D	Landscape Stage 1	21/02/2018
006	D	Learning Hub	21/02/2018
007	D	Southern Connector	21/02/2018
008	D	Materials Palette	21/02/2018
009	D	Planting Palette	21/02/2018
LH-000	E	Landscape Coversheet	25/01/2018
LH-101	F	Landscape Lower Ground 4	25/01/2018
LH-102	E	Landscape Lower Ground 2	25/01/2018

LH-103	E	Landscape Lower Ground 1	25/01/2018
LH-104	E	Landscape Ground Level	25/01/2018
LH-105	F	Landscape Plan Level 1 and Rooftop	25/01/2018
LH-106	E	Landscape Plan Northern Connector	25/01/2018
LH-107	E	Landscape Plan Eastern Ramp Connector	25/01/2018
LH-108	A	Landscape Plan Southern Connector	25/01/2018
LH-501	E	Landscape Details	25/01/2018
LH-601	E	Landscape Sections	25/01/2018
Stormwater Plans (16652) prepared by Henry and Hymas			
DA_C000	03	Cover Sheet, Drawing Schedule and Locality Sketch	17/07/2017
DA_C100	03	General Arrangement Plan	17/07/2017
DA_C101	03	Stormwater Concept Plan Stage B, Western Precinct	17/07/2017
DA_C102	03	Stormwater Concept Plan Stage B	17/07/2017
DA_C200	03	Post-Catchment Plan	17/07/2017
DA_SE01	03	Sediment Erosion Control Plan Sheet 1 of 3	17/07/2017
DA_SE02	03	Sediment Erosion Control Plan Sheet 2 of 3	17/07/2017
DA_SE03	03	Sediment Erosion Control Plan Sheet 3 of 3	17/07/2017

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; and
- (b) the implementation of any actions or measures contained in any such document referred to in (a) above.

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 (c) or (d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 3, condition A2(c) or (d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

Inconsistency between documents

A4. If there is any inconsistency between the plans and documentation referred to above the most recent document must 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.

Staging of the development

A5. 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).

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.

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.

Evidence of Consultation

- A6. 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 approval; and
 - (b) provide details of the consultation undertaken including:
 - i) a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
 - ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Structural Adequacy

- A7. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

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

Applicability of Guidelines

- A8. 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.

However, 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

- A9. 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 and independent environmental auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Incident Notification, Reporting and Response

- A10. 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.
- A11. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

Non-Compliance Notification

- A12. 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 PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A13. 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.
- A14. 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

- A15. Within three months of:
- (a) the submission of an Annual Review under this consent;
 - (b) the submission of a compliance report under this consent;
 - (c) the submission of an incident report under this consent;
 - (d) the submission of an Independent Environmental Audit under this consent;
 - (e) the approval of any modification to the conditions of this consent; or
 - (f) the issue of a direction of the Planning Secretary under Condition A2.
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.
- A16. 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. Where revisions are required, the revised document must be submitted to the Planning Secretary 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.

Workplace Travel Plan

- A17. The Applicant must prepare a detailed Workplace Travel Plan (WTP), within 3 months of the approval of this consent. The WTP must incorporate the following:
- (a) recommendations and initiatives in the *Workplace Travel Plan*, prepared by *McLaren Traffic Engineering and Road Safety Consultants* dated *other measures*;
 - (b) clear targets for reduction in private car use by staff, senior students, and parent drop-off and pick-up at the school;
 - (c) travel information for modes other than private vehicle;
 - (d) measures to reduce private car use, such as;
 - i) charging for staff and senior students to park on site or at an alternative location;
 - ii) a car pooling scheme, for a reduced price or free parking; and
 - iii) ensure that the WTP is available on the school website and intranet.

The WTP must be implemented by the Applicant, or person/s authorised to, for the life of the development.

The WTP is to be monitored and revised annually for the first three years and then from time to time as needed, from the date of implementation.

Road Safety Evaluation

A18. A Road Safety Evaluation (**RSE**) must be conducted within six (6) months of the approval, in accordance with the NSW Centre for Road Safety Guidelines for Road Safety Audit Practices that specifically evaluates the following:

- (a) conditions during school pick-up/drop-off periods along Carabella Street and any other roads significantly utilised for pick-up/drop-off;
- (b) safe route options for pedestrians and cyclists;
- (c) safe route options for coach pick-up/drop-off points for excursions;
- (d) pedestrian crossings, local road network; and
- (e) for students accessing Bradfield Park for school related purposes.

Operational Transport and Access Management Plan (OTAMP)

A19. An **OTAMP** is to be prepared by a suitably qualified person, in consultation with Council's Local Traffic Committee, for Loreto Kirribilli School, which must identify mode share targets for the proposed travel strategies that target no net increase in private vehicle trips to the site and interim traffic management measures (including details for management of the pick-up/drop-off zones and training for supervising staff or traffic controllers).

A20. The **OTAMP** must be submitted to the satisfaction of the Planning Secretary for approval within six (6) months of approval of this development consent.

A21. The **OTAMP** must be implemented to the satisfaction of the Planning Secretary within six (6) months of the approval of this document or prior to occupation of Stage 1 (whichever occurs earlier).

A22. An increase in students or full time equivalent staff above the existing student enrolment / full time equivalent staff numbers at the date of determination, is not permitted prior to effective implementation of the **OTAMP** to the satisfaction of the Planning Secretary.

A23. The **OTAMP** must include 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) details for management of the pick-up/drop-off zones, including training for traffic controllers;
- (g) the operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities, including staff management/traffic controller arrangements;
- (h) delivery and services vehicle and bus access and management arrangements;
- (i) monitoring regime to evaluate each strategy; and
- (j) monitoring of whether the overall strategies are meeting the target of no net increase in private car trips.

A24. Should the **RSE** required by Condition A18 identify any issues or identify that physical improvements to the pick-up/drop-off zone or the walking routes are needed, additional supplementary measures are to be proposed in the **OTAMP** and the document updated to incorporate any recommendations as follows:

- (a) alternate walking path for students during significant construction period;
- (b) closing the gates to the driveway on Carabella Street during drop-off pick-up times to encourage use of the full length of the pick-up/drop-off zone; and

- (c) provision of additional traffic controllers at designated pick-up/drop-off areas or delayed pick-up times for parents who are identified as routinely performing unsafe or illegal pick-up/drop-off.

A25. The **OTAMP/s** (as revised from time to time) must be implemented by the Applicant for the life of the development.

Review of the Operational Transport and Access Management Plan

A26. Traffic and on-street parking reviews (including travel behaviour analysis, on-street counts along the pick-up/drop-off zone at the Carabella Street frontage and observation of the pick-up/drop-off zone) shall be undertaken by a suitably qualified person, six (6) months after the implementation of the **OTAMP** required by Condition A19 and then annually for the first three years and then from time to time as needed, to determine the effectiveness of the measures detailed in that document.

A27. If the review process for the **OTAMP** identifies that the mode share targets and the target of “no increase in traffic” are not being met, the applicant must update the **OTAMP** to reflect alternate measures that are effective in meeting the targets to the satisfaction of the Planning Secretary.

Road Safety Programme

A28. The Applicant must undertake a Road Safety Programme in accordance with the NSW Centre for Road Safety, Transport NSW’s document “Keeping our Kids Safe Around Schools”, to inform and educate staff, students and their parents regarding safety around the Subject Site, within three (3) months of the approval.

Lapsing of approval

A29. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

A30. 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

A31. 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

A32. 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

A33. Any advice or notice to the consent authority must be served on the Planning Secretary.

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.

External Walls and Cladding

- B1. The external walls of all buildings, including additions to existing buildings, must comply with the relevant requirements of the National Construction Code (NCC).
- B2. Before the issue of a Construction Certificate and an Occupation 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 NCC.
- B3. 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.

Building Design

- B4. The Construction Certificate Plans must demonstrate the following:
 - (a) The floor level of the roof of the learning hub must not exceed RL34.5;
 - (b) The lift overrun of the learning hub must not exceed RL39.0;
 - (c) The stairwell over the learning hub must not exceed RL 37.5;
 - (d) The maximum height of the northern precinct connector be must not exceed RL 31.00; and
 - (e) The maximum height of the southern precinct connector must not exceed RL 43.27.
- B5. To maintain appropriate levels of privacy to the adjoining neighbours and enable view sharing, the Applicant must modify the design of the “learning hub” building, through the following:
 - (a) Delete the raised roof garden;
 - (b) Floor level of the roof must not exceed FFL 34.5;
 - (c) Restrict any access to the roof above the learning hub except for maintenance and cleaning purposes only;
 - (d) Remove the 1.5 m high glass balustrade and propose alternative balustrades;
 - (e) Access for circulation or fire egress purposes is restricted to the area between Marian Centre and the lift /stairs at the southern end only; and
 - (f) Remove any lift opening on the northern side.

A copy of the plans must be submitted for the approval of the Planning Secretary, prior to the issue of the Construction Certificate.

Noise Attenuation Measures

- B6. Prior to the issue of a Construction Certificate, the Applicant must demonstrate to the Principal Certifying Authority that the design of the mechanical plant rooms, the connectors, new learning hub building meet the Site-Specific Noise Criteria identified in the *Stage 1 DA operation and Construction Noise and Vibration Report (TJ415-01F05)* prepared by Renzo Tonin and Associates dated 17 August 2017.

Archaeological Investigations

- B7. The Applicant must prepare a Research Design and Methodology incorporating the proposed archaeological monitoring, testing and salvage methods recommended in the HIS prepared by *GML Heritage* dated July 2017 and provide a copy to the Heritage Division of the Office of Environment and Heritage (Heritage Division) and the Department to confirm adequacy of the proposed methods.

Ecologically Sustainable Development

B8. The chosen Ecologically Sustainable Development (ESD) measures must be incorporated into the final design, as identified in the *Sustainability Masterplan Report* prepared by *Norman Disney and Young* dated 28 July 2017. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority.

Stormwater Management

B9. Final drainage design plans of the stormwater drainage management system must be prepared by a suitably qualified engineer generally in accordance with the stormwater drainage drawings prepared by *Henry and Hymas* in Schedule 3 condition A2. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority.

Reflectivity

B10. The building materials used on the facades of the building must have a maximum normal specular reflectivity of visible light of 20 per cent and must be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority.

Outdoor Lighting

B11. All outdoor lighting within the Subject Site must be designed to comply with, where relevant, *AS1158.3.1-2005 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority.

Bicycle parking and end-of-trip facilities

B12. Plans demonstrating 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) the provision of a minimum 20 student bicycle parking spaces in the Centenary Hall storage area;
- (b) the provision of end-of-trip facilities within the proposed learning hub in the western precinct;
- (c) the layout, design and security of bicycle facilities must comply with the minimum requirements of *AS 2890.3:2015 Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (d) the details of the bicycle spaces and the ramp providing access to the bicycle parking area from Elamang Avenue;
- (e) the provision of end-of-trip facilities for staff in accordance with the ESD Design & As Built rating tool;
- (f) appropriate pedestrian and cyclist advisory signs are to be provided; and all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant roads authority.

Car Parking and Service Vehicle Layout

B13. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the satisfaction of the Principal Certifying Authority, prior to the issue of the Construction Certificate:

- (a) all vehicles must enter and leave the Subject Site in a forward direction;
- (b) 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 public safety when vehicles are reversing;

- (c) all construction vehicles (excluding worker vehicles) are to be contained wholly within the Subject Site and vehicles must enter the site before stopping (unless work zones are approved);
- (d) all works/ regulatory signposting associated with the proposed development must be at no cost to the relevant roads authority; and
- (e) the swept path of the longest vehicle entering and exiting the Subject Site in association with the new work, as well as manoeuvrability through the Subject Site, must be in accordance with AUSTRROADS. In this regard, a plan must be submitted to the Principal Certifying Authority for approval, which shows that the proposed development complies with this requirement.

Access for People with Disabilities

B14. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the issue of the Construction Certificate, the Principal 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 certified plans.

Mechanical Ventilation

B15. The design of all mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with Australian Standard *AS1668.2 and AS3666.1 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 demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority.

Design of Food Premises

B16. The fitout of the food premises must be carried out in accordance with *AS 4674 Design, construction and fit-out of food premises*. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority.

Utility Services

B17. 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 structures.

Sydney Water Notice of Requirements

B18. An application must be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of any Construction Certificate.

Pre-construction Dilapidation Report

B19. 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 must include details of the whole building where only part of the building may fall within the 'zone of influence'. The report must be submitted to the satisfaction of the Principal 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

Planning 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.

Geotechnical Report and excavation

- B20. Prior to the issue of a Construction Certificate, a detailed geotechnical report prepared by a suitably qualified geotechnical or hydrogeological engineer, in accordance with the recommendations in the *Geotechnical Assessment Report* prepared by *JK Geotechnics* dated 10 July 2017, and including (but not be limited to) details of excavation methods, supports and any shoring requirements, must be submitted to the satisfaction of the Principal Certifying Authority.
- B21. All structural drawings that demonstrate compliance with recommendations of the *Geotechnical Assessment Report* prepared by *JK Geotechnics* dated 10 July 2017, must be signed by a suitably qualified practising Structural Engineer. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority.

PART C PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

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 Plans

C2. Plans are to be submitted to the Principal Certifying Authority and the Department prior to commencement of each stage of the construction works and must include details as required by any of the following conditions.

Community Communications Strategy

C3. A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners, 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.

C4. The **Community Communication Strategy** must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development; 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.

Prior to the commencement of construction, a copy of the **Community Communications Strategy** must be submitted to the Principal Certifying Authority and the Planning Secretary, and must be implemented for a minimum of 12 months following the completion of construction.

Access to Information

C5. At least 48 hours before the commencement of construction and 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 A4 of Schedule 2 and Condition A2 of Schedule 3 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 environmental 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.

(b) keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance Reporting

- C6. A **Pre-Construction Compliance Report** must be prepared for the development, and submitted to the PCA for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.
- C7. The **Pre-Construction Compliance Report** must include:
- (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
 - (b) the expected commencement date for construction.

Complaints and Enquiries Procedure

- C8. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- (a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - (b) a postal address to which written complaints and enquires may be sent; and
 - (c) an email address to which electronic complaints and enquiries may be transmitted.
- C9. A **Complaints Management System** must be prepared prior to the commencement of any construction works and be implemented and maintained for the duration of these works. The Complaints Management System must include a Complaints Register to be maintained recording information on all complaints received about the development during the carrying out of any works associated with the development. The Complaints Register must record the:
- (a) number of complaints received;
 - (b) number of people affected in relation to a complaint; and
 - (c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

Compliance

- C10. 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.

Remediation of Site

- C11. The Applicant must remediate the Subject Site in accordance with the *Remedial Action Plan (RAP) (Doc. Ref E30067KMrpt2)* prepared by *Environmental Investigation Services* and dated 27 September 2017 and the Hazmat Report required by this development consent (Condition C42). Amendments to the approved RAP required as a result of further investigations must be prepared by a suitably qualified and experienced expert and approved by the site auditor.
- C12. The Applicant must carry out the remediation works using suitably qualified and experienced contractor(s).
- C13. Prior to the commencement of remediation works, the RAP must be certified by an accredited site auditor.
- C14. Upon completion of the remediation works and the validation report on the Subject Site, the Applicant must submit a site audit report and a site audit statement prepared by an accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the Principal Certifying Authority and Council prior to the issue of the Occupation Certificate.
Note: The Applicant must comply with clauses 17 and 18 of State Environmental Planning Policy No.55—Remediation of Land.
Note: Words and expressions used in these conditions have the same meaning as in the Contaminated Land Management Act 1997

Validation Report

- C15. The Applicant must prepare a Validation Report for the development. The Validation Report must:
- (a) be prepared by an EPA accredited Site Auditor;
 - (b) be submitted to EPA and the Planning Secretary for review one month after the completion of remediation works;
 - (c) be prepared in accordance with the RAP and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011);
 - (d) include, but not be limited to:
 - i) comment on the extent and nature of the remediation undertaken;
 - ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
 - iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
 - iv) if treated material is to remain on the Subject Site, results of sampling of treated material, compared with the treatment criteria in the *Remedial Action Plan (RAP) (Doc. Ref E30067KMrpt2)* prepared by *Environmental Investigation Services* and dated 27 September 2017;
 - v) results of any validation sampling, compared to relevant guidelines/criteria; and
 - vi) confirmation of the suitability the remediated areas for the intended land use (See Condition C14).

Contamination-Unexpected Finds

- C16. 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 of the **CEMP** in accordance with Condition C28 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.

Heritage

- C17. The Applicant must engage a suitably qualified and experienced heritage expert for all stages of design and construction to provide input on design and supervise all works on heritage aspects, ensuring works are undertaken by appropriately qualified tradespeople.
- C18. The Applicant must complete archival recordings for all items of heritage significance directly and/or physically altered by the Development, including the existing buildings at the Subject Site. Archival recordings are to include photographic recording of the intact item, unless otherwise agreed by the Planning Secretary.
- C19. The archival recording must be undertaken by an experienced heritage consultant in accordance with the Guideline issued by the Heritage Division. The area containing the heritage item must be clearly identified and delineated until the completion of the archival recordings. Within six months of the completion of archival recording, the Applicant must submit a report containing the archival and photographic recordings and the historic research, where required to Council.
- C20. An Interpretation Strategy, prepared by a suitably qualified and experienced expert in consultation with Council and in accordance with the recommendation in the Stage 1 Works *Heritage Impact Statement Report (HIS)* prepared by *GML Heritage* dated July 2017. A copy of the report must be submitted to Council and the Department.
- C21. A Schedule of Conservation Works for the heritage significant buildings must be prepared and its recommendations implemented.

Historic Archaeology

- C22. Prior to the commencement of any excavation works or remediation works that may disturb archaeological 'relics', the Applicant must nominate a suitably qualified Excavation Director who complies with the Heritage Division's Criteria for Assessment of Excavation Directors (July 2011) to oversee and advise on matters associated with historic archaeology and advise on archaeological issues.
- C23. The Excavation Director must be present to oversee the excavation and advise on archaeological issues. The Excavation Director must be given the authority to advise on the duration and extent of oversight required to ensure that archaeological 'relics' are recorded to an adequate standard.
- C24. Archaeological excavation must be undertaken in accordance with the Research Design and Methodology and be directed by the appointed Excavation Director. Areas of significant archaeology and substantially intact archaeological evidence must be appropriately managed and salvaged for re-use in the design.
- C25. A final archaeological excavation report must be prepared within 12 months of the completion of archaeological works on site. It should include details of any artefacts recovered, where they are located and details of their ongoing conservation. A copy of this report must be provided to the Department and the Heritage Division.
- C26. An Interpretation strategy must be prepared and provided to the Heritage Division for review and comments incorporated within 18 months of the completion of archaeological excavations on site. This strategy must include details of the archaeological investigation of the Subject Site and how the results will be incorporated into the completed development.

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 these authorities, including addressing pedestrian management and driver sightlines. The Applicant must submit documentation of approval for each stage from Council, to the Principal Certifying Authority.

Construction Environmental Management Plan (CEMP)

C28. A **Construction Environmental Management Plan (CEMP)** must be prepared by the Applicant including the following:

- (a) Prior to the commencement of works on the Subject Site, a **CEMP** that addresses those works must be submitted to the satisfaction of the Principal Certifying Authority. The Plan must address, but not be limited to, the following matters where relevant:
 - i) hours of works specifically indicating that construction delivery times are restricted to be between 7:00 am - 2:00 pm, excluding the AM peak time between 8:00 am – 9:30 am, prohibiting any deliveries to the site outside of these times;
 - ii) 24-hour contact details of Site manager;
 - iii) traffic management, in consultation with the North Sydney Council's Local Traffic Committee, including a designated off-street car parking area for construction related vehicles (excluding construction workers);
 - iv) construction noise and vibration management, prepared by a suitable qualified person;
 - v) management of dust to protect the amenity of the neighbourhood;
 - vi) erosion and sediment control;
 - vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - viii) external lighting in compliance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - ix) an Unexpected Finds Protocol (UFP) and associated communications procedure, that also considers potential for finds associated with defence use of the land and measures for acid soil management; and
 - x) waste classification (for materials to be removed) and validation (for materials to remain) during construction to confirm the contamination status in these areas of the Subject Site.
- (b) 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 must prevail; and
- (c) The Applicant must submit a copy of the **CEMP** to the Department and to the Council, prior to commencement of work.

The **CEMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Noise and Vibration Management Plan (CNVMP)

C29. The Applicant must prepare a **CNVMP** and the plan must:

- (a) incorporate the recommendations of the Stage 1 DA operation and *Construction Noise and Vibration Report (TJ415-01F05)* prepared by *Renzo Tonin and Associates* dated 17 August 2017;
- (b) incorporate the vibration monitoring requirements of the *Geotechnical Assessment Report prepared by JK Geotechnics* dated 10 July 2017;
- (c) be prepared by a suitably qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- (d) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- (e) describe the measures that would be implemented to ensure:
 - i) best management practice is being employed; and

- ii) compliance with the relevant conditions of this consent.
- (f) describe the proposed noise and vibration management measures in detail;
- (g) identify the selection of alternative construction appliances to avoid the generation of excessive noise levels;
- (h) include strategies that have been developed to address impacts to noise sensitive receivers, where noise levels exceed the construction noise management level, for managing high noise generating works;
- (i) implement intra-day respite periods for construction activities identified as annoying;
- (j) implement noise reducing Site or work practices and require regular noise checks of equipment;
- (k) describe the consultation undertaken to develop the strategies in b) above; and
- (l) evaluates and reports on the effectiveness of the noise and vibration management measures
- (m) include a complaints management system that would be implemented for the duration of the project.

The Applicant must submit a copy of the **CNVMP** to the Department and to the Council, prior to commencement of work.

The **CNVMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Soil and Water Management Plan (CSWMP)

C30. The Applicant must prepare a **CSWMP** and the plan must:

- (a) be prepared by a suitably qualified expert;
- (b) be submitted to the satisfaction of the Planning Secretary prior to the commencement of construction;
- (c) describe all erosion and sediment controls to be implemented during construction;
- (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Subject Site);
- (e) detail all off-site flows from the Subject Site; and
- (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1 year ARI, 1 in 5 year ARI and 1 in 100 year ARI).

The Applicant must submit a copy of the CSWMP to Council, prior to commencement of work. The CSWMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Waste Management Plan (CWMP)

C31. The Applicant must comply with the following requirements:

- (a) Prior to the commencement of works on the Subject Site, a **CWMP**, prepared by a suitably qualified person in consultation with the Council, must be submitted to the satisfaction of the Principal Certifying Authority. The **CWMP** must address, but not be limited to, the following matters:
 - i) recycling of demolition materials including concrete; and
 - 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, prior to the commencement of any building works.
- (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 Principal Certifying Authority prior to the removal of any hazardous materials;
- (c) The Applicant must submit a copy of the plan to the Department and to the Council prior to the commencement of work; and
- (d) The Applicant must notify the Roads and Maritime Service's 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.

- C32. The Applicant must submit a copy of the **CWMP** to the Department and to the Council, prior to commencement of work.
- C33. The **CWMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

Construction Traffic and Pedestrian Management Plan (CTPMP)

C34.

- (a) Prior to the commencement of construction, the Construction Traffic and Pedestrian Management Plan (**CTPMP**) must be updated in consultation with the Council. A copy of the final plan is to be submitted to Council for approval by the North Sydney Local Traffic Committee, prior to the commencement of construction.
- (b) The **CTPMP** must address, but not be limited to, the following matters:
- i) identification of construction traffic routes for all required vehicles during construction, inclusive of any crane delivery, including any known road closures and consideration of alternate routes and construction traffic volumes (including heavy vehicle/spoil haulage) on these routes;
 - ii) identification of work zone and construction hours;
 - iii) estimate of total number of construction vehicle movements including details of duration, parking, dedicated vehicle turning areas, and ingress and egress points;
 - iv) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts;
 - v) discussion of truck travel paths on Council assets such as road medians or alterations to on-street parking provisions;
 - vi) provide updated swept path analysis for truck and dog combination vehicles;
 - vii) update swept paths for articulated vehicles to avoid entering the opposite lane or coming into contact with parked vehicles;
 - viii) should the swept paths not achieve the requirement of this condition, Traffic Control Plans for the following areas need to be separately prepared:
 - in the proximity of 71 Broughton Street,
 - in the proximity of 31 Broughton Street, Kirribilli;
 - the intersection of Broughton Street and Bligh Street, Kirribilli;
 - opposite 27A/27B Elamang Avenue, Kirribilli;
 - the intersection of Hipwood Street and High Street; and
 - the intersection of Elamang Avenue and Willoughby Street, Kirribilli.
 - ix) discussion of potential cumulative construction impacts on the surrounding road network as a result of the simultaneous construction of adjoining developments;
 - x) details of management measures to minimise traffic impacts, including temporary road work traffic control measures and measures to minimise peak period congestion;
 - xi) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction;
 - xii) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists;
 - xiii) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists;
 - xiv) details of consultation strategy with the surrounding stakeholders;
 - xv) an adaptive response plan which sets out a process for response to any traffic, construction or other incident;
 - xvi) mechanisms for the monitoring, review and amendment of the **CTPMP**; and

xvii) ingress and egress of vehicles to the Subject Site, including Swept path analysis for the longest vehicle entering and existing the site, as well as manoeuvrability through the site, in accordance with Austroads requirements.

- (c) Any alterations to the public road, involving traffic and parking arrangements, must be referred to and approved by the relevant traffic committee.
- (d) The Applicant must submit a copy of the final plan to the Council, RMS and the Department, prior to the commencement of works.

C35. The **CTPMP** (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

C36. A Road Safety Audit of the **CTPMP** and **CEMP** must be conducted by a suitably qualified person prior to the commencement of construction works.

Independent Environmental Audit

C37. No later than one month prior to the commencement of construction works or within another timeframe agreed with the Planning Secretary, a program of independent environmental audits must be prepared for the development in accordance with the latest version of *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014)* and submitted to the Planning Secretary for information.

C38. The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

C39. The environmental audit program prepared and submitted to the Planning Secretary must be implemented and complied with for the duration of the development.

C40. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:

- (a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
- (b) assesses whether the development is complying with the terms of this consent;
- (c) reviews the adequacy of any document required under this consent; and
- (d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.

C41. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the approval of the Principal Certifying Authority.

Hazardous Materials Assessment

C42. The Applicant must undertake a Hazardous Materials Assessment (Hazmat) and prepare a register of hazardous materials (including asbestos and polychlorinated biphenyl capacitors (PCBs)) and ensure that asbestos and any other hazardous materials contained in buildings to be demolished (including PCB capacitors) are removed and validated by an appropriately qualified occupational hygienist prior to demolition works. A copy of the Hazmat must be submitted to the Principal Certifying Authority.

PART D DURING CONSTRUCTION

Demolition

- D1. Demolition work must comply with Australian Standard *AS 2601-2001 The demolition of structures (Standards Australia, 2001)*. The work plans required by AS 2601-2001 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 before the commencement of works.

Approved Plans to be On-Site

- D2. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Principal Certifying Authority.

Construction Hours

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - (b) between 8:00 am and 1:00 pm, Saturdays; and
 - (c) No work may be carried out on Sundays or public holidays.
- D4. Activities may be undertaken outside of these hours:
- (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) works are inaudible at the nearest sensitive receivers; or
 - (d) if a variation is approved in advance in writing by the Planning Secretary or her nominee.
 - (e) Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D5. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9:00 am to 12:00 pm, Monday to Friday;
 - (b) 2:00 pm to 5:00 pm Monday to Friday; and
 - (c) 9:00 am to 12:00 pm, Saturday.
- D6. All construction vehicles (including concrete agitator trucks) are not to arrive at the Subject Site or surrounding residential areas prior to the approved start time of works for the day.

Protection of Heritage Items

- D7. Significant building fabric and elements of existing heritage significant items are to be protected during demolition and construction works from potential damage. Protection systems must ensure historic fabric is not damaged or removed unless otherwise approved under this consent. All tradesmen and workers on Site must be made aware of the significant fabric on Site.

Erosion and Sediment Control

- D8. 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

D9. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

Construction Traffic

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

Road Occupancy Licence

D11. A Road Occupancy Licence must be obtained for any works that impact on the traffic flows on a state / regional road and / or within 100 m of a traffic signal during construction activities.

Tree Protection

D12.

- (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 Subject Site that are not approved for removal must be suitably protected during construction as per recommendations within Section 4 of the *Arboricultural Impact Appraisal and Method Assessment* undertaken by *Naturally Trees* dated 24 November 2016; 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.

Construction Noise Management

D13. The development must 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 must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **CNVMP** required under Condition C29.

D14. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the Noise Policy for Industry), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.

D15. The Applicant must ensure construction vehicles do not arrive at the Subject Site or surrounding residential precincts outside of the construction hours of work outlined under Condition D3.

D16. The Applicant must schedule intra-day 'respite periods' for construction activities identified in the *Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009)* as being particularly annoying or intrusive to noise sensitive receivers, including

surrounding residents and nearby hospital buildings. These activities are to be carried out after 8 am only and over continuous periods not exceeding three hours (with at least a one hour respite every three hours).

- D17. 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 **CNVMP** required under Condition C29.
- D18. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D19. 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* unless otherwise approved by the **CNVMP** required by condition C29.
- D20. The Applicant must ensure construction of the development is carried out in accordance with the recommendations outlined within *Stage 1 DA operation and Construction Noise and Vibration Report (TJ415-01F05)* prepared by *Renzo Tonin and Associates* dated 17 August 2017.

Vibration Criteria

- D21. To ensure no adverse structural damage occurs to existing heritage significant items, vibration monitoring, performed by a suitably qualified vibration consultant, is to be carried out on all heritage items in the vicinity of the proposal during demolition and construction works. In the event that harm to heritage items is identified, vibratory activities are to cease and alternative work methods are to be implemented.
- D22. 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 Part 3 Structural Vibration in Buildings. Effects on Structures*; and
 - (b) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472 – Guide to Evaluate Human Exposure to Vibration in Buildings (1 Hz to 80 Hz)* for low probability of adverse comment.
- D23. Vibratory compactors must not be used closer than 30 m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- D24. These limits apply unless otherwise outlined in the **CNVMP** required under Condition C29 and submitted to the satisfaction of the Principal Certifying Authority.

Waste

- D25. All waste generated during construction must be assess, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014)*.
- D26. 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 of 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.
- D27. The Applicant must ensure that concrete waste and rinse water are not disposed of on the Subject Site and are prevented from entering any natural or artificial watercourse.

Handling of Asbestos

D28. 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.

Hoarding Requirements

D29. 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.

Landscaping

D30. Any trees planted (that would reach a height of >8 m at maturity) as part of the approved Landscape Plan must be of a suitable advanced stage, be a locally endemic species and be endorsed by a suitably qualified and experienced person(s). Confirmation that all trees have been planted in accordance with this condition (including number of trees) must be provided to the Principal Certifying Authority prior to operation unless otherwise agreed by the Planning Secretary.

Site Notice

D31. A site notice(s) must be prominently displayed at the boundaries of the Subject 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. The site notice(s) is to satisfy all but not be limited to, the following requirements:

- (a) 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;
- (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (c) 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
- (d) 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.

SafeWork Requirements

D32. 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.

No Obstruction of Public Way

D33. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Discovery of Non-Aboriginal Relics

D34. 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 Heritage Division.

Additional assessment and approval from the Department may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Discovery of Aboriginal Heritage

D35. 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 Subject Site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the Subject Site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and OEH to develop and implement management strategies for all projects/Sites.

Works may only recommence with the written approval of OEH. Management and mitigation measures must be undertaken prior to works recommencing on the Site.

Site Contamination Issues During Construction

D36. Should any new information come to light during construction works which has the potential to alter previous conclusions about site contamination, then the Principal Certifying Authority must be immediately notified and works must cease. The Principal Certifying Authority will determine whether further investigation, or the need for remediation, is required before construction works can recommence.

Incident Reporting

D37. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant must notify the Planning Secretary and any other relevant agencies of the incident in accordance with the requirements outlined in conditions of this development consent.

D38. Within seven days of the detection of the incident, the Applicant must provide the Planning Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested in accordance with condition of development consent.

Compliance Tracking and Reporting

D39. The Applicant must provide regular (six monthly) reporting on any environmental performance required by the development consent for the development on its project website, in accordance with the reporting arrangements in any plans or other documents approved under the conditions of this consent.

D40. **Construction Compliance Reports** must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.

- D41. The **Construction Compliance Reports** must include:
- (c) a results summary and analysis of environmental monitoring;
 - (d) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - (e) details of any review of the **CEMP** and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
 - (f) a register of any modifications undertaken and their status;
 - (g) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
 - (h) a summary of all incidents notified in accordance with this consent; and
 - (i) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

Protection of Public Infrastructure

- D42. 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
 - (b) relocate, or pay the full costs associated with relocating, any infrastructure that needs to be relocated as a result of the development.

Excavation on Public Land

- D43. All excavations and backfilling on public land associated with the development must be executed in accordance with the appropriate safety standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life and property.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Protection of Public Infrastructure

- E1. 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.

Site Audit Report

- E2. The Applicant must submit a site audit report and a site audit statement prepared by an accredited site auditor to the Principal Certifying Authority and Council verifying that the land is suitable for the proposed uses, prior to the issue of the Occupation Certificate.

Operational Transport and Access Management

- E3. To allow the increase in student numbers (by 30) and full time equivalent staff numbers (by 2), evidence of implementation of the **OTAMP** and review in accordance with conditions A19 – A27 must be provided to the satisfaction of the Planning Secretary.

Mechanical Ventilation

- E4. Following completion, installation and testing of all mechanical ventilation systems, the Applicant must provide evidence to the satisfaction of the Accredited Certifier, prior to the final occupation, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
 - (b) AS 1668.2-2012 -The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes;
 - (c) the development consent and any relevant modifications; and
 - (d) any dispensation granted by the NSW Fire Brigade.

Design of Food Premises

- E5. Details of compliance with the relevant provisions of the food code must be prepared by a suitably qualified person and submitted to the satisfaction of the Principal Certifying Authority prior to operation.

Compliance with Food Code

- E6. 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 must provide evidence of receipt of the certificate to the satisfaction of the Principal Certifying Authority prior to the commencement of the building(s) or commencement of the use.

Works-As-Executed

- E7. Prior to the final occupation of buildings in Stage 1, the Applicant must submit to the Council and the Principal Certifying Authority, works-as-executed plans for the public domain works, demonstrating that the works have been completed to Council's satisfaction.

Structural Inspection Certificate

- E8. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. 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.

Signage

- E9. Way-finding signage and signage identifying the location of staff car parking must be installed prior to occupation.
- E10. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.
- E11. 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site prior to occupation.

Rainwater Harvesting

- E12. The Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer. A signed works-as-executed Rainwater Re-Use Plan must be provided to the Certifying Authority prior to the issue of the final Occupation Certificate.

Ecologically Sustainable Development

- E13. Prior to the final occupation of the development, the Applicant must submit details to the Principal Certifying Authority demonstrating that ecologically sustainable development initiatives including the rainwater harvesting initiatives have been incorporated in the proposed new buildings comparable to projects of a 5-star Green Star – Design & As Built tool rating.

Compliance Certificate

- E14. 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 then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to commencement of use of each stage of the building.

Landscaping

- E15. The landscaping of the Subject Site and the replacement planting must be completed in accordance with the approved plans in Schedule 3 A2d).
- E16. The Project Arborist must certify that all retained trees are in good health and not damaged by the construction works.
- E17. The roof above the learning hub must not include a roof garden.

Compliance Certificate

- E18. A compliance certificate under the section 307 of the Water Management Act 2000 must be obtained from Council.

The certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

Post-construction Dilapidation Report

- E19. Prior to commencement of use the Occupation Certificate for any stage of the development:
- (a) the Applicant must 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 heritage significant items, buildings, infrastructure and roads;
 - (b) the report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining heritage significant items, buildings, infrastructure and roads, the Principal Certifying Authority must:
 - i) compare the **post-construction dilapidation report** with the pre-construction dilapidation report required by these conditions;
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
 - (c) a copy of this report is to be forwarded to the Council.

Fire Safety Certification

- E20. Prior to commencement of use of any stage of the development, 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.

Stormwater Quality Management Plan

- E21. An **Operation and Maintenance Plan (OMP)** is to be prepared to ensure proposed stormwater quality measures remain effective. The **OMP** must contain the maintenance schedule of all stormwater quality treatment device, record and reporting details, relevant contact information and Work Health and Safety requirements. Details demonstrating compliance must be submitted to the Principal Certifying Authority prior to occupation.

Warm Water Systems and Cooling Systems

- E22. The installation, 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 Parts 1 and 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.

Pre-operation Compliance Report

- E23. A **Pre-Operation Compliance Report** must be prepared and submitted to the Planning Secretary for information no later than one month before the commencement of operation or within another timeframe agreed with the Planning Secretary. The **Pre-Operation Compliance Report** must include:
- (a) details of how the terms of this approval that must be addressed before the commencement of operation have been complied with; and
 - (b) the commencement date for operation.
- Operation of the building must not commence until the **Pre-Operation Compliance Report** has been submitted for information to the Planning Secretary.

Disabled Car Parking Space

- E24. One car parking space, complying with AS2890.6, must be provided in the basement car park.

Out of Hours Event Management Plan

E25. The Applicant is to prepare an Out of Hours **Event Management Plan (EMP)**, for out of hours events that involve 100 or more people for the Subject Site. The plan must be prepared, in consultation with Council, and include the following:

- (a) details that the evening events would commence after the PM peak times;
- (b) the maximum duration;
- (c) arrival and departure times and modes of transport;
- (d) where relevant, a schedule of all annual events and availability of basement car park for parking;
- (e) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
- (f) measures to minimise localised traffic and parking impacts; and
- (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.

The **EMP** must be made available on the school's website and be implemented by the Applicant for the duration of the identified event or use.

PART F POST OCCUPATION

Workplace Travel Plan

F1. The Workplace Travel Plan required by Schedule 3 condition A17 of this consent must be updated annually for the first three years and then from time to time as needed, from the date of implementation.

Event Schedule

F2. An up to date event schedule must 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 for all events with over 100 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) to inform surrounding residents.

Review of the Operational Transport Management Plan

F3. To ensure the effectiveness of the **OTAMP**, the Applicant must prepare a report to the Planning Secretary with the results of the monitoring within six (6) months of the implementation of the OTAMP, and then annually for a period of 3 years, or as otherwise agreed with the Planning Secretary, from the commencement of operation of the Stage 1 works or any student increase (whichever occurs earlier). The Planning Secretary shall consider the need for further reporting following a review of the results for 3 years. The report must include details of traffic and on-street parking reviews including travel behaviour analysis, on-street counts along the Carabella Street frontage of the Site and observation of all drop-off/pick-up areas prepared by a suitably qualified person.

F4. If the review process for the **OTAMP** identifies that the mode share targets and the target of “no increase in traffic” are not being met, the applicant must update the to reflect alternate measures that are effective in meeting the targets to the satisfaction of the Planning Secretary.

Loading and Unloading

F5. The deliveries to the school, utilising the on-street loading and unloading area on Carabella Street are restricted to be between, 10:00 am – 2:00 pm, Monday to Saturday, only.

F6. All delivery, loading and unloading areas within the Site including any newly constructed area can operate as per existing arrangements in the school.

Noise Control – Plant and Machinery

F7. Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of the sensitive receiver.

Noise Control – Other uses

F8. The roof-top of the new learning hub in the western precinct is to be only used for maintenance and cleaning purposes and not for any other use.

F9. The roof area between the Marian Centre and the learning hub, up to the southern façade of the building is to be used for circulation between the two buildings (Marian Centre and learning hub) to avoid any adverse amenity impact on the surrounding residents.

F10. The Public-Address system must not exceed the ambient noise levels in the surrounding residences by more than 5dBA.

F11. No additional communal uses, are approved as a part of this development consent apart from the on-going uses specified in the Development.

- F12. The ground maintenance times and waste collection times must be maintained as existing and are not varied under this development consent.
- F13. The Applicant must undertake short term noise monitoring (during school term) in accordance with the Noise Policy for Industry where valid data is collected following the commencement of use of the learning hub and the outdoor learning areas adjoining the western boundary of the Site. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within six (6) months of commencement of use of the learning hub building in the western precinct to verify that operational noise levels do not exceed the Site-specific noise goals identified in *Stage 1 DA operation and Construction Noise and Vibration Report (TJ415-01F05)* prepared by *Renzo Tonin and Associates* dated 17 August 2017.
- F14. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers
- F15. Should the noise monitoring required under Condition F15 identify any exceedance of the recommended maximum noise levels, the Applicant must implement appropriate on-site noise attenuation measures to maintain noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.
- F16. The implementation of noise attenuation measures, either on-site or at the affected receiver(s), must be undertaken within three months of the completion of the noise monitoring required under Condition F15, or other appropriate period as agreed by the Planning Secretary.

Operation of Plant and Equipment

- F17. All plant and equipment used on site, or to monitor the performance of the development must be maintained in a proper and efficient condition and be operated in a proper and efficient manner.

Storage of Hazardous or Toxic Material

- F18. 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 must be stored in a bunded area. The bund walls and floors must be constructed of impervious materials and must be of sufficient size to contain 110 percent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Unobstructed Driveways and Parking Areas

- F19. All driveways, footways and car parking areas must be unobstructed at all times.

External Lighting

- F20. External Lighting must comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Fire Safety Certification

- F21. 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

- F22. The landscaping is to be maintained at all times following its installation in accordance with the approved Landscape Plan.

ADVISORY NOTES

Appeals

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

Other Approvals and Permits

AN2 The Applicant must apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, stand plant / road closure 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.

Use of Mobile Cranes

AN4 The Applicant must obtain all necessary permits required for the use of mobile cranes on or surrounding the Subject Site, prior to the commencement of works. In particular, the following matters must be complied with:

- a) for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-Site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
 - i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions;
 - ii) at least four weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions; and
- b) the use of mobile cranes must comply with the approved hours of construction and must not be delivered to the Subject Site prior to 7.30 am without the prior approval of Council.

Temporary Structures

AN5

- a) An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- 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

AN6 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 BCA 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*

AN7

- a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) 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 matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the EP&A Act. 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 EPBC Act does not have application. The EPBC 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

AN8 All excavation and demolition works involving the removal and disposal of asbestos must be undertaken in consultation with SafeWork NSW and 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

AN9 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about Site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on Site until the consultation is made with the Department.

APPENDIX 1. 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 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 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 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.