


Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



David Gainsford
Executive Director
Infrastructure Assessments

Sydney 19th September 2019

SCHEDULE 1

Application Number:	SSD-8970
Applicant:	Marist Brothers St Joseph's College
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lots 1 and 2 DP 527024 Mark Street, Hunters Hill
Development:	Alterations and additions to the existing St Joseph's College (secondary school) to construct new sports facilities, involving: <ul style="list-style-type: none">• demolition of some of the existing structures and tree removal;• construction of a new two – four storey indoor sports courts and a multipurpose learning facility, the Physical Education and Sports Precinct (PESP) building with basement car parking, at the south-eastern corner of the site;• construction of a new single-storey gymnasium at the north-western corner of the site;• construction of a new kiosk substation at the north-eastern corner;• landscaping works and replacement planting; and• operational parameters for the PESP building.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	St Joseph's College or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
Archaeological Salvage	The collection and removal of archaeological data and materials from site
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	<p>All physical works to enable operation, including but not limited to the removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • establishing temporary site offices (in locations identified by the conditions of this consent); • archaeological salvage works (if any); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
Council	Hunters Hill Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising demolition, construction and operation of the new sports facilities within St Joseph's College, as limited by the conditions of this consent.
DSI	Detailed Soil Investigation
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled <i>St Joseph's College Physical Education and Sports Precinct Project (PESP)</i> (SSD 8970) prepared by Robinson Urban Planning dated September 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EESG	Environment, Energy and Science Group of Department of Planning, Industry

and Environment (EESG) (former Office of Environment and Heritage)

EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
GTP	Green Travel Plan
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Division	Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
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: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
OMP	Operational Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PESP	Physical Education and Sports Precinct
POEO	Protection of the Environment Operations Act 1997
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Principal Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act</i>

	1986 or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
RAP	Remedial Action Plan
Response to submissions	The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1.
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services (TfNSW (RMS)) (former Roads and Maritime Services)
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the approved plans in the table below:

Architectural plans prepared by TKD Architects			
Dwg No.	Rev	Name of Plan	Date
AR.DA. 1004	B	Site Control Plan	23.04.19
AR.DA. 1005	C	Site Demolition Plan	23.04.19
AR.DA. 1101	C	Proposed Site Plan	23.04.19
AR.DA. 2101	B	Proposed Lower Ground Plan	23.04.19
AR.DA. 2102	B	Proposed Ground Floor Plan	23.04.19
AR.DA. 2103	B	Proposed First Floor Plan	23.04.19
AR.DA. 2104	B	Proposed Roof Plan	23.04.19
AR.DA. 2201	B	Proposed Healy Gym	23.04.19
AR.DA. 2203	C	Proposed Substation	23.04.19
AR.DA. 3001	B	Proposed Elevations	23.04.19
AR.DA. 3101	B	Proposed Sections	23.04.19
AR.DA. 5001	B	External Materials and Finishes	23.04.19
Landscape plans prepared by Taylor Brammer			
Dwg No.	Rev	Name of Plan	Date
01	A	Site Plan	24.04.2019
03	A	Landscape to New Sport Hall	24.04.2019
04	A	New Substation	24.04.2019
05	A	Proposed Healy Gym	24.04.2019
01	A	Site Plan	24.04.2019

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

- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date of consent unless the works associated with the development have physically commenced.
- A6. This consent does not approve any increase in student and / or staff numbers within St Joseph's College.
- A7. This consent does not approve any amendments / alterations or additions to the other sections of the Site, additional tree removal, alterations to the drop-off / pick-up area on Mark Street or the existing car parking arrangement within the site, except for the approved disturbance area and in accordance with the approved plans listed in Condition A2 of this development consent.

Prescribed Conditions

- A8. 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

- A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Evidence of Consultation

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

Staging

- A11. The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the approval of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction (excluding demolition works) of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A12. A Staging Report prepared in accordance with condition A11 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

- A13. Where staging is proposed, the project must be staged in accordance with the Staging Report, as approved to the Planning Secretary.
- A14. Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

Staging, Combining and Updating Strategies, Plans or Programs

- A15. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A16. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A17. If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs or drawings supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

- A18. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

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

External Walls and Cladding

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

Applicability of Guidelines

- A20. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A21. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A22. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes

conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

Access to Information

- A23. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance

- A24. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- A25. 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.
- A26. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A27. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Principal Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A28. 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.
- A29. 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

A30. Within three months of:

- (a) the submission of a compliance report under condition C29;
- (b) the submission of an incident report under condition A25 the submission of an Independent Audit under condition D35;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

A31. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary and / or Principal Certifying Authority, where relevant. Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Principal Certifying Authority, where relevant, 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.*

Independent Environmental Audit

A32. Within one month of completing each audit carried out in accordance with condition D35, the Applicant must submit a report to the Planning Secretary for information. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Modifications to Plans

- B1. Prior to the issue of any construction certificate, the Applicant must submit amended drawings / plans for approval by the Planning Secretary, including:
- (a) Upgrades to the louvres / opening on the eastern facade of the PESP building in accordance with the recommended measures in the *Construction and operational Noise Report Version D* dated April 2019 prepared by Wilkinson Murray (appendix K of the Response to Submissions) to include high performance acoustic glass or double glazing;
The plans must be supported by a report from a suitably qualified acoustic engineer certifying that the upgrades to the louvres would achieve the site-specific noise criteria at all nearby noise sensitive receivers, as established in the *Construction and operational Noise Report Version D* dated April 2019 prepared by Wilkinson Murray;
 - (b) Updated materials and external finishes to include a lighter colour for the metal fascia / roof cladding of the PESP building instead of the proposed EWC2 in DA5001 Rev B; and
 - (c) Modified landscape plans including:
 - (i) a new planting plan with predominantly native species that are indigenous to the region;
 - (ii) an amended list of replacement planting species to demonstrate that advanced plantings, with pot sizes of at least 100 litres, are to be proposed along the Luke Street setback area to screen the PESP building; and
 - (iii) details to demonstrate that at least two of the proposed replacement plantings on the site are canopy trees that will reach a mature height of at least 25 meters (m).

Certified Drawings

- B2. Prior to the issue of a construction certificate, the Applicant must submit to the satisfaction of the Principal Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

External Walls and Cladding

- B3. Prior to the issue of a construction certificate, the Applicant must provide the Principal Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Principal Certifying Authority to the Planning Secretary within seven days after the Principal Certifying Authority accepts it.

Stormwater Management System

- B4. Prior to the issue of a construction certificate (not including demolition), the Applicant must prepare detailed plans for an operational stormwater management system for the development and submit to the Principal Certifying Authority for approval. The plans must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual stormwater plans (Job No. 166502) DAC01.01 – DAC06.01 prepared by Northrop dated 23/02/2018 submitted with the EIS;
 - (c) include amendments to the floor plans as listed in condition A2(d);
 - (d) be in accordance with applicable Australian Standards;
 - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
 - (f) incorporate the stormwater quality treatment measures (such as stormwater filtration cartridges) as proposed in Stormwater Management Report prepared by Northrop dated 08/05/2019 (Appendix O of the Response to Submissions);

- (g) include evidence such as Music Modelling and Music Link Certificate to demonstrate that the stormwater water quality control devices comply with Council's targets for post-development stormwater pollutant loads as provided in the Hunters Hill Development Control Plan 2014; and
- (h) include details of a rainwater reuse/harvesting system for the development including a rainwater re-use plan, prepared and certified by an experienced hydraulic engineer.

Operational Car Parking and Service Vehicle Layout

- B5. The construction certificate plans must demonstrate compliance with the following requirements and be submitted to the satisfaction of the Principal Certifying Authority:
- (a) all vehicles are able to enter and leave the Site in a forward direction;
 - (b) the swept path of the longest vehicle entering and exiting the PESP basement car park is in accordance with latest version of AS 2890.2; and
 - (c) a minimum of 143 on-site car parking spaces for use during operation of the development, including 84 new car parking spaces within the PESP basement, and designed in accordance with the latest versions of AS2890.1 and AS 2890.6.

Bicycle Parking and End-of-Trip Facilities

- B6. The construction certificate plans must demonstrate compliance with the following requirements for secure bicycle parking and end-of-trip facilities and be submitted to the satisfaction of the Principal Certifying Authority:
- (a) the provision of a minimum 38 bicycle parking spaces within the Site;
 - (b) 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;
 - (c) the provision of end-of-trip facilities for staff; and
 - (d) provision of appropriate pedestrian and cyclist advisory signs.

PART C PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

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

Pre-Construction Dilapidation Report

- C3. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Principal Certifying Authority. The report must provide an accurate record of the existing condition of all adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

Protection of Public Infrastructure

- C4. Prior to commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Principal Certifying Authority and Council.

Site contamination

- C5. Prior to the commencement of any works in relation to the new gymnasium (Healy Gym) and the kiosk substation, additional detailed soil investigation of the development areas for these buildings must be undertaken and a Detailed Soil Investigation Report (DSI) prepared.
- C6. A Remedial Action Plan (RAP) must be prepared, if recommended by the DSI in Condition C5, based on the results on the investigation.
- C7. A copy of the DSI and the RAP (if required) must be submitted to the Planning Secretary for approval.
- C8. If recommended by the DSI, remediation of the developable areas for the Healy Gym and the kiosk substation, must be undertaken in accordance with the RAP, as approved by the Planning Secretary, prior to commencement of any works within the designated site areas for the new gymnasium (Healy Gym) and the kiosk substation.
- C9. Upon completion of remedial works, a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor, must be submitted to the Planning Secretary and Principal Certifying Authority for information. The Site Audit Report and Section A Site Audit Statement must verify that the relevant part of the site is suitable for the purpose of an educational establishment.

Unexpected Contamination Procedure

- C10. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C19 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

Demolition

- C11. Prior to the commencement of demolition, a demolition work plan required by *AS 2601-2001 The demolition of structures (Standards Australia, 2001)* must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Principal Certifying Authority and Planning Secretary for information.

Community Communication Strategy

- C12. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval and approved by the Planning Secretary prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

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

Ecologically Sustainable Development (ESD)

- C13. Prior to the commencement of construction (excluding demolition works), the Applicant must:
- (a) appoint a suitably qualified Green Star Accredited Professional to monitor the detailed design of the proposed works to ensure that all ESD measures set out in the initiatives within the *ESD Report* prepared by Umow Lai and dated 12/07/2018 (Appendix G of the EIS), are incorporated; and
 - (b) submit evidence to the satisfaction of the Principal Certifying Authority from a suitably qualified Green Star Accredited Professional that the ESD measures in the initiatives within the *ESD Report* prepared by Umow Lai and dated 12/07/2018 (Appendix G of the EIS) have been incorporated into the design of the works proposed.

Outdoor Lighting

- C14. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Principal Certifying Authority that all outdoor lighting within the site has been designed to comply with *AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282-2019 Control of the obtrusive effects of outdoor lighting*.

Erosion and Sedimentation Control

- C15. Prior to the commencement of construction works, soil erosion and sediment control measures must be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (Landcom, 2004). Details are to be submitted to the satisfaction of the Principal Certifying Authority.

Environmental Management Plan Requirements

- C16. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);

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

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

Construction Environmental Management Plan

C17. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the Principal Certifying Authority and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) measures to manage the amenity of the users of the site including students and staff, during the on-going construction works on the site (including details of alternate access measures, noise control measures, hoardings, security measures and associated safety and wayfinding signage within the premises);
 - (vii) groundwater management plan including measures to prevent groundwater contamination;
 - (viii) external lighting in compliance with *AS 4282-2019 Control of the obtrusive effects of outdoor lighting*; and
 - (ix) community consultation and complaints handling.
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C19);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition C20);
- (d) Construction Waste Management Sub-Plan (see condition C21);
- (e) Construction Soil and Water Management Sub-Plan (see condition C22);
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure incorporating recommendations of the *Aboriginal Cultural Heritage*

Assessment Final Report prepared by Biosis dated 27/08/2019 including discovery of Aboriginal objects and Aboriginal ancestral remains;

- (h) an unexpected finds protocol for historic archaeology incorporating recommendations of *Baseline Historical Archaeological Assessment* prepared by Biosis dated 09/07/2018; and
- (i) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

C18. The Applicant must not commence construction of the development until the CEMP is approved by the Principal Certifying Authority and a copy submitted to the Planning Secretary.

C19. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council;
- (c) detail construction vehicle routes, access and parking arrangements;
- (d) details of estimated daily construction vehicle movements;
- (e) details of the swept paths of the longest vehicle (to service the site) entering and existing the site, as well as manoeuvrability through the site, in accordance with Austroads requirements;
- (f) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
- (g) details of alternate access arrangement (vehicle and pedestrian) for students / staff and / or other users of the site during school hours;
- (h) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes.
- (i) include a program to monitor the effectiveness of these measures as required by Condition C19(f); and
- (j) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

C20. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
- (c) incorporate the measures as recommended in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray;
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (e) include strategies that have been developed with the community for managing high noise generating works;
- (f) include strategies that have been developed to manage the impacts of high noise generating works on the existing users of the school (students and staff);
- (g) describe the community consultation undertaken to develop the strategies in C20(e);
- (h) include a complaints management system that would be implemented for the duration of the construction; and
- (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with

Condition C20(e) and C20(f).

- C21. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- C22. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction;
 - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (d) detail all off-Site flows from the Site; and
 - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI and 1 in 5-year ARI.

Construction Worker Transportation Strategy

- C23. Prior to the commencement of construction, the Applicant must submit the following information to the satisfaction of the Principal Certifying Authority:
- (a) evidence (such as a drawing or a plan) that at least 50% of the total construction worker's parking can be provided within the Site;
 - (b) a Construction Worker Transportation Strategy detailing the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities; and
 - (c) details of a tool storage area within the construction site so that the construction workers can store their tools on the site, when using public transport to commute to and from the Site.

Archaeological Research Design, Excavation Methodology

- C24. Prior to the commencement of the works which involve ground disturbance, an Archaeological Research Design, Excavation Methodology (ARD) must be prepared and certified by a suitably qualified archaeologist. A copy of the ARD must be submitted to the Planning Secretary and Principal Certifying Authority for information.

Excavation Director

- C25. Prior to the commencement of the works which involve ground disturbance, an excavation director must be nominated to direct the archaeological program for the development. The excavation director must have appropriate qualification in accordance with 'Criteria for Assessment of Excavation Directors' published by the Heritage Division of the Department of Premier and Cabinet (former Heritage Council).

Operational Noise - Design of Mechanical Plant and Equipment

- C26. Prior to commencement of installation of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray into the detailed design drawings. The Principal Certifying Authority must verify that all reasonable and feasible noise mitigation measures noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray.

Operational Waste Storage and Processing

- C27. Prior to the commencement of construction, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council), proposed for the PESP building and the Healy Gym.
- C28. Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Principal Certifying Authority.

Public Domain Works

- C29. Prior to the commencement of any footpath or public domain works (if needed as part of the construction works), the Applicant must consult with Council and demonstrate to the Principal Certifying Authority that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Principal Certifying Authority.

Compliance Reporting

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

PART D DURING CONSTRUCTION

Site Notice

D1. A site notice(s):

- (a) must be prominently displayed at the boundaries of the site during construction 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 is to satisfy the following requirements;
- (b) 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;
- (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (d) 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
- (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

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

Demolition

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

Construction Hours

D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
- (b) between 8am and 1pm, Saturdays.

No work may be carried out on Sundays or public holidays.

D5. Construction activities may be undertaken outside of the hours in condition D4 if required:

- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
- (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
- (c) where the works are inaudible at the nearest sensitive receivers; or
- (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.

D6. Notification of such construction activities as referenced in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D7. Rock breaking, rock hammering, sheet piling, pile driving, and similar activities may only be carried out between the following hours:

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

Implementation of Management Plans

D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

Construction Traffic

- D9. All construction vehicles (including a minimum of 50% of the construction workers 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.

Hoarding Requirements

- D10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

- D11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- D12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Sub-Plan (Condition C20).
- D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D4.
- D14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- D15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D16. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D16.
- D17. The limits in conditions D15 and D16 apply unless otherwise outlined in a Construction Noise and Vibration Management Sub-Plan, approved as part of the CEMP required by condition C17 of this consent.

Tree Protection

- D18. For the duration of the construction works:
- (a) a suitably qualified Project Arborist must be appointed to guide all tree removal, protection, and pruning works;
 - (b) 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;
 - (c) approved pruning of street trees is to be carried out in accordance with the recommendations of the *Arboricultural Impact Assessment* prepared by Bluegum dated April 2019, including supervision by the appointed Project Arborist;

- (d) all street trees (not approved for removal under this development consent) 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;
- (e) all trees within the Site that are not approved for removal, must be suitably protected during construction as per recommendations of the *Arboricultural Impact Assessment* prepared by Bluegum dated April 2019; and
- (f) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of the qualified Project Arborist;
- (g) alternative tree protection measures must be installed, as required, where works within the protective barrier are required; and
- (h) the removal of tree protection measures, following completion of the works, must be carried out under the supervision of the Project Arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D20. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

D21. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Imported Soil

D22. The Applicant must:

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

Disposal of Seepage and Stormwater

D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Principal Certifying Authority. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Unexpected Finds Protocol – Aboriginal Heritage

D24. All works on site are to be carried out in accordance with the recommendations of the *Aboriginal Cultural Heritage Assessment Final Report* prepared by Biosis dated 27/08/2019.

D25. In the event that surface disturbance identifies a new Aboriginal object or Aboriginal ancestral remains, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the

Aboriginal Heritage Information Management System (AHIMS) which is managed by the Environment, Energy and Science Group of Department of Planning, Industry and Environment (EESG) (former Office of Environment and Heritage) and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EESG to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EESG.

Excavation Methodology and Unexpected Finds Protocol – Historic Heritage

- D26. Excavation within all impacted areas of the Site is to be guided by the certified ARD (required by Condition C25) and be directed by the appointed Excavation Director.
- D27. If any archaeological relics are uncovered during construction, all work shall immediately cease in that area, the unexpected finds protocol required by condition C17(g) shall be implemented and a written assessment of the nature and significance of the resource, along with a proposal for the treatment of the remains shall be submitted for the approval of the Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)(Heritage Division). Works may only recommence with the written approval of Heritage Division.
- D28. Any archaeological salvage excavation works (if required) must be undertaken under the guidance of the nominated Excavation Director in accordance with the requirements of the Heritage Division.
- D29. All State significant archaeological items must be retained in situ and minimise all impacts from the project to these State significant archaeological items as much as possible.
- D30. The Applicant must nominate a repository for the relics salvaged from any historical archaeological excavations.

Waste Storage and Processing

- D31. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D32. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D33. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

Independent Environmental Audit

- D34. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D35. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Principal Certifying Authority.
- D36. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
 - (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
 - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.

In all other respects Table 1 remains the same. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice to the applicant of the date upon which the audit must be commenced.

- D37. Independent Audits of the development must be carried out in accordance with:
 - (a) the Independent Audit Program submitted to the Planning Secretary and the Principal Certifying Authority under condition D35 of this consent; and

- (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- D38. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D35 of this consent;
 - (b) submit the response to the Planning Secretary and the Principal Certifying Authority; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Principal Certifying Authority in writing at least seven days before this is done.
- D39. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

Community Engagement

- D40. The Applicant must consult with the community regularly throughout construction, including consultation with the nearby sensitive receivers, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

PART E PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Notification of Occupation

- E1. Prior to the issue of an occupation certificate or at least one month before commencement of operation (whichever occurs earlier), the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

External Walls and Cladding

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

Post-construction Dilapidation Report

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

Protection of Public Infrastructure

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

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

Protection of Property

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

Utilities and Services

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

Works as Executed Plans

- E8. Prior to issue of an occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifying Authority.

Green Travel Plan

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

Parking Provisions

- E10. Prior to the occupation of the PESP building or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Principal Certifying Authority that demonstrates that:
- (a) a total of 143 car parking spaces are provided across the entire Site including 84 car spaces within the basement of the PESP building;
 - (b) all car parking spaces comply with the current version of AS2890.1 and AS2890.6 (for disabled car spaces);
 - (c) the turning areas and driveway ramp gradients to access the basement car parking comply with the latest versions of AS2890.1;
 - (d) the swept path of the longest vehicle accessing the basement car park complies with the latest version of AS2890.2; and
 - (e) a total of 38 bicycle parking spaces are provided within the Site and designed in accordance with the requirements of *AS2890.3:2015 Parking facilities, Bicycle Parking*.

Operational Transport and Access Management Plan (OTAMP)

- E11. Prior to the occupation of the PESP building, the Applicant must:
- (a) prepare an OTAMP for St Joseph's College, which details the measures to safely manage the daily transport task to / from the school and incorporates the recommendations in Section 6 of the Traffic Impact Assessment by Traffix dated 03/07/2018 including (but not limited to):
 - (i) kerbside vehicle pick-up/drop-off management and orderly vehicle queuing;
 - (ii) maintaining bus accessibility and student waiting areas;
 - (iii) safe parent and student behaviour during pick-up/drop-off; and
 - (iv) safe pedestrian movements to the school entrances, minimising vehicle-pedestrian conflicts;
 - (v) responsibilities of various personnel executing the plan; and
 - (vi) measures to monitor, review the performance and make improvements to the plan.
 - (b) submit the OTAMP to the Principal Certifying Authority for approval and a copy to the Planning Secretary for information.

Road Safety Audit

- E12. Prior to the issue of the occupation certificate for the PESP building, a Road Safety Audit (RSA), must be conducted on all relevant sections of road utilised for bus and private vehicle pick-up and

drop-off prior to issue occupation. The RSA must be undertaken in accordance with NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit).

- E13. The results of the RSA and the relevant recommendations, including any measures to improve road safety must be submitted to the Principal Certifying Authority for approval.
- E14. Based on the recommendations of the RSA, appropriate road safety measures and/or traffic management measures must be implemented on the adjoining roads, in consultation with Council, prior to occupation of the PESP building.

Mechanical Ventilation

- E15. Prior to commencement of the final operation of the PESP building and the Healy Gym, the Applicant must provide evidence to the satisfaction of the Principal Certifying Authority, prior to the final occupation, that the installation and performance of the mechanical ventilation systems comply with:
 - (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by the NSW Fire and Rescue.

Operational Noise

- E16. Prior to the commencement of operation of the PESP building, the Applicant must submit evidence to the Principal Certifying Authority that the noise mitigation recommendations in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray prepared by Wilkinson Murray and all reasonable and feasible noise mitigation measures have been incorporated into the design of the mechanical plant and equipment to ensure the development will not exceed the recommended operational noise levels identified in the in the *Construction and operational Noise Report Version D dated April 2019*.
- E17. Prior to the occupation of the PESP building, the Applicant must submit to the Principal Certifying Authority, a certificate from a suitably qualified acoustic engineer, certifying that the upgrades to the louvres / opening on the eastern facade of the PESP building have been completed in accordance with the recommended measures in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray (appendix K of the Response to Submissions) to include high performance acoustic glass or double glazing in accordance with the requirements of Condition B1.

Fire Safety Certification

- E18. Prior to issue of an occupation certificate for the PESP building or the Healy Gym, a Fire Safety Certificate (for each building) 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 each of the buildings.

Structural Inspection Certificate

- E19. Prior to the occupation of the PESP building and the Healy Gym, a Structural Inspection Certificate or a Compliance Certificate for each building, must be submitted to the satisfaction of the Principal Certifying Authority. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
 - (a) the site has been periodically inspected and the Principal Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Compliance with Food Code

- E20. The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas for the PESP building 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 occupation of this building.

Stormwater Quality Management Plan

- E21. Prior to the issue of the occupation certificate for the PESP building, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifying Authority along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Rainwater Harvesting

- E22. Prior to the issue of the occupation certificate for the PESP building, a signed works-as-executed Rainwater Re-use Plan must be provided to the Principal Certifying Authority prior to occupation of the building.

Warm Water Systems and Cooling Systems

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

Outdoor Lighting

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

Post excavation Report

- E25. Within 6 months of completion of excavation works or prior to the occupation of the PESP building (whichever occurs earlier), the Applicant must prepare a post excavation report including an archaeological report of the salvage excavation (if relevant), after completion of all archaeological works undertaken in accordance with conditions D26 – D30. A copy of the final post excavation report(s) must be prepared and lodged with the Heritage Division, Council, the Principal Certifying Authority and a copy provided to the Principal Certifying Authority as evidence.

Signage

- E26. Way-finding signage and signage identifying the location of staff car parking must be installed prior to occupation of any of the buildings on the Site, approved under this development consent.
- E27. Bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation of the PESP building or the Healy Gym (whichever occurs earlier).
- E28. 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 of the PESP building or the Healy Gym (whichever occurs earlier).

Operational Waste Management Plan

- E29. Prior to issue of any occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Principal Certifying Authority. The Waste Management Plan

must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in the *Preparation of Waste & Recycling Management Plan* prepared by SLR Consulting Australia Pty Ltd dated 18/04/2018.

Landscaping

- E30. Prior to issue of an occupation certificate for the PESP building, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Principal Certifying Authority. The plan must demonstrate:
- (a) Compliance with the requirements of Condition B1 including details of the replacement planting species on the Site with the respective sizes;
 - (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
 - (c) be consistent with the Applicant's Management and Mitigation Measures in the EIS.
- E31. The Applicant must not commence operation until the Landscape Management Plan is submitted to the Principal Certifying Authority.

Ecologically Sustainable Development

- E32. Prior to the issue of an occupation certificate for each of the buildings, PESP and Healy Gym, evidence must be submitted to the satisfaction of the Principal Certifying Authority from a suitably qualified Green Star Accredited Professional that the ESD measures set out in the *ESD Report* prepared by Umow Lai and dated 12 July 2018 (Appendix G of the EIS) and as required by condition C13 have been implemented.

PART F POST OCCUPATION

Event Management Plan for PESP building

- F1. Prior to commencement of the first use of the out of school hours event (both for school use and community use) at the PESP building or within 2 months of occupation of the PESP building (whichever occurs earlier), the Applicant is to prepare an Event Management Plan and submit it to the Council and Planning Secretary for information. The report is to include:
- (a) the proposed uses of the building including expected the out of hours uses, detailing expected commencement and finishing times, likely number of attendees, and likely use of music or amplification systems;
 - (b) schedule of all annual and regular events (where relevant);
 - (c) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport) during out of school hours events;
 - (d) circumstance where the hours of events would be restricted to 10pm (such as when amplified music is not used and ventilation louvers are open);
 - (e) measures to minimise localised traffic and parking impacts; and
 - (f) measures to minimise noise impacts on any sensitive residential receivers and ensure relevant noise criteria as outlined in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray are met, including (but not limited to):
 - (i) the preparation of acoustic management plan;
 - (ii) details of timings when openings would be required to be closed and management arrangements to ensure openings are closed as necessary;
 - (iii) alternative ventilation measures when openings are closed; and
 - (iv) details of any other necessary measures required to comply with relevant noise criteria, (such as limiting the volume of the speaker system or limiting the hours of use).
- F2. The Event Management Plan (for school use and community use) required by condition F1 must be implemented by the Applicant for the duration of the identified events or use.

Operation of Plant and Equipment

- F3. All plant and equipment used on site relating to the approved PESP building or the Healy Gym, or to monitor the performance of the development must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Community Communication Strategy

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

Operational Noise Limits

- F5. The Applicant must ensure that noise generated by operation of the PESP building or the Healy Gym do not exceed the Site-specific noise criteria as established in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray.
- F6. The Applicant must undertake short term noise monitoring in accordance with the EPA Noise Policy for Industry within three months of commencement of use or prior to the first out of school hours event within the PESP building (whichever happens earlier). The short term attended noise monitoring must occur for a period of three months to verify that:
- (a) operational noise levels from plant and machinery installed in this building do not exceed the recommended noise levels for mechanical plant identified in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray; and
 - (b) operational noise levels from the use of the building, including evening and night time uses (as defined by the Noise Policy for Industry) do not exceed the recommended Site-specific noise criteria at the sensitive noise receivers identified in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray.

- F7. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary at the end of the three months.
- F8. Should the noise monitoring program identify any exceedance of the recommended noise levels in the *Construction and operational Noise Report Version D dated April 2019* prepared by Wilkinson Murray, the Applicant must implement appropriate noise attenuation measures, including any necessary amendments to the Event Management Plan required by condition F1, so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Warm Water Systems and Cooling Systems

- F9. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Operation of the PESP building

- F10. Use of the PESP building must be carried out in accordance with the Event Management Plan required by condition F1 and as amended by condition F6.

Unobstructed Driveways and Parking Areas

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

Green Travel Plan

- F12. The Green Travel Plan required by this development consent must be updated annually and implemented.

Operational Transport and Access Management Plan (OTAMP)

- F13. The OTAMP(s) approved under condition E11 (as revised from time to time) must be implemented by the Applicant for the life of the development.

Outdoor Lighting

- F14. Notwithstanding condition E24, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

- F15. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E30 for the duration of occupation of the development.

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

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

Legal Notices

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

Access for People with Disabilities

- AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the 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.

Utilities and Services

- AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design and Traffic Facilities

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

Road Occupancy Licence

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

SafeWork Requirements

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

Hoarding Requirements

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

Handling of Asbestos

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

Fire Safety Certificate

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

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition D35 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.