

# Consolidated Consent

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

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

[Name of Commissioner]

[Name of Commissioner]

[Name of Commissioner]

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2020

### SCHEDULE 1

**Application Number:**

SSD 9772

**Applicant:**

Santa Sophia Catholic College

**Consent Authority:**

Independent Planning Commission

**Site:**

No. 10 Red Gables Road, Box Hill (Lot 1 DP 1237552)

**Development:**

Construction and operation of a new school, named Santa Sophia Catholic College, comprising:

- construction of a new four - six storey school with 15,087.74sqm of gross floor area, accommodating:
  - a centre-based childcare facility for the establishment of a Catholic Early Learning Centre (CELC) for 60 students
  - general learning spaces, creative hub, performance hubs, open space, sporting facilities and out-of-school hours (OOSH) care for a maximum 1860 Kindergarten to Year 12 students.
- 130 full-time equivalent staff.
- associated site landscaping and open space, including fencing and recreation facilities.

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- establishment of a bus zone on future Fontana Drive adjoining the western boundary of the site.
- establishment of student drop-off /pick-up zones on future Road B and Fontana Drive (south of Red Gables Road).
- provision of 10 short-term parking for drop-off /pick-up car spaces on the site with access from Red Gables Road.
- landscaping and stormwater management works.
- installation of digital and non-digital school signage.

### Modification:

#### SSD-9772-Mod-1:

Amendments to the approved development as follows:

- inclusion of two vehicular crossings and associated pavements;
- amendments to the operational hours for the café/canteen to align, in part, with the operating hours of the school; and
- amendments to the conditions in relation to post-approval compliance reporting and independent audit requirements.

#### SSD-9772-Mod-2:

Amendments to conditions to:

- reflect changed land ownership, timing and shared use agreements (Condition E3);
- modify location of the permanent car parking location (Condition A7, E6, E7 and E8); and
- remove the requirement for restriction on title of the temporary carpark (Conditions E4, E5 and E6).

**DEFINITIONS**

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Catholic Education Diocese of Parramatta or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b><a href="#">Compliance Reporting Post Approval Requirements</a></b>	<b><a href="#">Compliance Reporting Post Approval Requirements as available on the Department's website</a></b>
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EESG or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>CELC</b>	Catholic Early Learning Centre
<b>Council</b>	The Hills Shire Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS, Response to Submissions and RtS Addendum, including construction and operation of the Santa Sophia Catholic College, as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services

<b>EESG</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	Environmental Impact Statement for SSD 9772 Santa Sophia Catholic College, Box Hill North, prepared by Urbis Pty Ltd and dated May 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>GTP</b>	Green Travel Plan
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	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
<b>Incident</b>	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>
<b><a href="#">Independent Audit Post Approval Requirements</a></b>	<b><a href="#">Independent Audit Post Approval Requirements as available on the Department's website</a></b>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section 9 of the EIS.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>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)</li> </ul>
<b>Minister</b>	Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays

<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OMP</b>	Operational Management Plan
<b>OTAMP</b>	Operational Transport and Access Management Plan
<b>OOSH</b>	Out-of-school hours
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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.
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	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.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>SRtS</b>	Supplementary Response to Submissions
<b>TfNSW</b>	Transport for New South Wales
<b>TfNSW(RMS)</b>	Transport for New South Wales (Roads and Maritime Services)
<b>Upgrading</b>	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation, and the carrying out of the following maintenance works: <ul style="list-style-type: none"> <li>• public domain works</li> <li>• stormwater infrastructure works</li> </ul>
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

**[SSD-9772-Mod-1]**

**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, Response to Submissions and, Supplementary Response to Submissions [and SSD-9772-Mod-1 and SSD-9772-Mod-2](#);
  - (d) in accordance with the approved plans in the table below:

<b>Architectural plans prepared by BVN</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
AR-SS-A01-00-01	A	SSDA_COVER SHEET	13/02/2020
AR-SS-A10-00-01	B	OVERALL SITE PLAN	11/02/2020
AR-SS-B10-00-01	B	SSDA_OVERALL PLAN - LEVEL 00	11/02/2020
AR-SS-B10-01-01	B	SSDA_OVERALL PLAN - LEVEL 01	11/02/2020
AR-SS-B10-02-01	B	SSDA_OVERALL PLAN - LEVEL 02	11/02/2020
AR-SS-B10-03-01	B	SSDA_OVERALL PLAN - LEVEL 03	11/02/2020
AR-SS-B10-04-01	B	SSDA_OVERALL PLAN - LEVEL 04	11/02/2020
AR-SS-B10-05-01	B	SSDA_OVERALL PLAN - LEVEL 05	11/02/2020
AR-SS-B10-06-01	B	SSDA_OVERALL PLAN - ROOF PLAN	11/02/2020
AR-SS-C10-NL-01	A	SSDA_ELEVATIONS - NORTH AND EAST	11/02/2020
AR-SS-C10-NL-02	A	SSDA_ELEVATIONS - SOUTH AND WEST	11/02/2020
AR-SS-D10-NL-01	A	SSDA_OVERALL SECTIONS - 1	11/02/2020
AR-SS-P43-NL-02	6	SSDA_EXTERNAL MATERIAL FINISHES	20/09/2019
AR-SS-P43-NL-03	6	SSDA_FACADE SECTIONS	20/09/2019
N/A	Issue C	SANTA SOPHIA CATHOLIC COLLEGE SSDA 9772 – RESPONSE TO SUBMISSIONS – SIGNAGE – 12.1 SIGN LOCATIONS, PAGE 126	11/02/2020
N/A	Issue C	SANTA SOPHIA CATHOLIC COLLEGE SSDA 9772 – RESPONSE TO SUBMISSIONS – SIGNAGE – 12.1 SIGN TYPES, PAGE 127	11/02/2020
<b>Landscape Plans prepared by Ground Ink</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
LAN-GI-SC-XX-NL-002	I	OVERALL SITE PLAN	12/02/2020
LAN-GI-SC-XX-00-001	I	LEVEL 00	12/02/2020
LAN-GI-SC-XX-01-001	I	LEVEL 01	12/02/2020

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LAN-GI-SC-XX-02-001	I	LEVEL 02	12/02/2020
LAN-GI-SC-XX-02-003	I	LEVEL 02 ELEVATIONS	12/02/2020
LAN-GI-SC-XX-03-001	I	LEVEL 03	12/02/2020
LAN-GI-SC-XX-04-001	I	LEVEL 04	12/02/2020
LAN-GI-SC-XX-05-001	I	LEVEL 05	12/02/2020
<b>Civil Works prepared by Taylor Thomson Whitting</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SKC01	P4	COVER SHEET AND DRAWING LIST	15/05/2019
SKC02	P4	GENERAL NOTES	15/05/2019
SKC104	P5	SITWORKS AND STORMWATER PLAN – LEVEL 0	15/05/2019
SKC105	P5	SITWORKS AND STORMWATER PLAN – LEVEL 1	15/05/2019
SKC03	P3	STORMWATER DETAILS	15/05/2019
<a href="#"><u>C400</u></a>	<a href="#"><u>P1</u></a>	<a href="#"><u>COVER SHEET AND GENERAL NOTES</u></a>	<a href="#"><u>11/08/2020</u></a>
<a href="#"><u>C401</u></a>	<a href="#"><u>P3</u></a>	<a href="#"><u>LOCALITY PLAN</u></a>	<a href="#"><u>09/09/2020</u></a>
<a href="#"><u>C410</u></a>	<a href="#"><u>P3</u></a>	<a href="#"><u>FONTANA DRIVE DRIVEWAY PLAN AND SECTIONS</u></a>	<a href="#"><u>09/09/2020</u></a>
<a href="#"><u>C411</u></a>	<a href="#"><u>P2</u></a>	<a href="#"><u>FUTURE ROAD B DRIVEWAY PLAN AND SECTIONS</u></a>	<a href="#"><u>09/09/2020</u></a>
<a href="#"><u>C420</u></a>	<a href="#"><u>P1</u></a>	<a href="#"><u>DETAILS SHEET</u></a>	<a href="#"><u>11/08/2020</u></a>

**[SSD-9772-Mod-1]**



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

### Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.

### Student and Staff Numbers

- A6. The student population across the school and associated full time equivalent staff numbers must not exceed:
- (a) 1860 Kindergarten to Year 12 students in the school;
  - (b) 60 children and for the Catholic Early Learning Centre;
  - (c) a maximum of 130 full time equivalent staff on any given day; and
  - (d) up to 400 students in the OOSH.

### Car Parking

- A7. The school must provide for 110 car spaces on school days (between 6am - 6:30pm), following commencement of student attendance (including the students of Catholic Early Learning Centre (CELC)), either within the temporary car park approved by DA 29-2020 HA or within a permanent car park allocated for school use within the Box Hill North Gables Town Centre site or within the playing fields site located on the southern side of Red Gables Road in the Gables (as identified in SK90.01 Issue P1 Broader Site Plan prepared by Rothelowman dated 14/03/2019) as per the conditions of this consent.

**A7A The location of the permanent car park within the playing fields on the southern side of Red Gables Road in the Gables (as identified in SK90.01 Issue P1 Broader Site Plan prepared by Rothelowman dated 14/03/2019) must not compromise the available play space for the local community or the students of Santa Sophia, unless otherwise agreed with Council.**

### 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 compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- 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 a Staging Report is required, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.
- A14. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

**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 (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated

on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

- A16. Any strategy, plan or program prepared in accordance with condition A15, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A17. 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.
- A18. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### Structural Adequacy

- A19. 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

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### Applicability of Guidelines

- A21. 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.
- A22. 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

- A23. 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

- A24. 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**

A25. 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**

A26. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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.

A27. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in Appendix 2.

**Non-Compliance Notification**

A28. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.

A29. 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.

A30. 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**

A31. Within three months of:

- (a) the submission of a compliance report under condition C18 [A34](#);
- (b) the submission of an incident report under condition A26;
- (c) the submission of an Independent Audit under condition D4;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

A32. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary and / or Certifier (where relevant). Where revisions are required, the revised document must be

submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

**Compliance Reporting**

- A33. **Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).**
- A34. **Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.**
- A35. **The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.**
- A36. **Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), 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 B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### Design Amendments

- B1. Prior to the issue of any relevant construction certificate for the Catholic Early Learning Centre (CELC), revised CELC plans that are certified by a suitably qualified person to be compliant with the *Education and Care Services National Regulations* must be submitted to the Certifier and to the Planning Secretary for information. The revised plans must detail the following:
- provision of laundry facilities;
  - toilet and hygiene facilities appropriate to the developmental stage and age of children under care within the centre; and
  - adequate nappy change facilities appropriate to the developmental stage and age of children under care within the centre.

**B1A. Prior to the issue of any relevant construction certificate, all relevant plans (including site plan, stormwater plans and landscape plans), listed in condition A2, must be updated to the satisfaction of the Certifier to include the proposed vehicular crossings and pavements approved in SSD-9772-Mod-1.**

**B1B. The amended landscape plans required by condition B1A must include the relocation of the street tree proposed to be removed due to the vehicular crossing on future Fontana Drive.**

### Outdoor Lighting

- B2. Prior to the issue of any construction certificate, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### External Walls and Cladding

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

### Ecologically Sustainable Development

- B4. Prior to the issue of any construction certificate, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or

- (b) providing a statement from an ESD consultant that the development would achieve a 4-star green equivalent rating generally in accordance with the Ecologically Sustainable Development Report (Appendix S) submitted in the SSDA.

**Stormwater Management System**

- B5. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
  - (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the plans listed in condition A2;
  - (c) be in accordance with applicable Australian Standards; and
  - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

**Operational Noise – Design of Mechanical Plant and Equipment**

- B6. Prior to the issue of any construction certificate, the Applicant must incorporate the noise mitigation recommendations in the *Noise and Vibration Impact Assessment for Santa Sophia Catholic College*, prepared by *JHA Acoustics* and dated 12 September 2019 into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the *Noise and Vibration Impact Assessment for Santa Sophia Catholic College*, prepared by *JHA Acoustics* and dated 12 September 2019.

**Operational Waste Storage and Processing**

- B7. Prior to the issue of any construction certificate, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier for information.

**Car Parking and Service Vehicle Layout**

- B8. Prior to the issue of any construction certificate, evidence of compliance of the proposed access and parking arrangements with the following requirements must be submitted to the Certifier:
  - (a) all vehicles must enter and leave the Site in a forward direction;
  - (b) a minimum of 10 on-site car parking spaces must be provided on the site for use during operation of the CELC and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - (c) the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with the latest version of AS 2890.2; and
  - (d) any safety design measures catering to the shared vehicles and pedestrian access, are to be provided.

**Bicycle Parking and End-of-Trip Facilities**

- B9. Prior to the issue of any construction certificate, for the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
  - (a) the provision of a minimum 252 bicycle parking spaces within the site at locations outlined in plans listed in condition A2;
  - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of *AS 2890.3:2015 Parking facilities - Bicycle parking*; and
  - (c) the provision of end-of-trip facilities for staff within the site.

**Wind Tunnel Testing**

- B10. Wind tunnel testing be undertaken as recommended in the *Pedestrian Wind Environment Statement* prepared by Windtech Consultants Pty Ltd dated 10 May 2019. Any design recommendations / landscaping recommendations of the wind tunnel testing report shall be implemented in the detailed design / landscaping for the development.
- B11. If the recommendation of the detailed wind report following the wind tunnel testing require amendment to the design of the external appearance of the building or the addition of screens, then the amended design plans / landscaping plans must be submitted to the Planning Secretary for approval, prior to the issue of the Construction Certificate. The amended plans must be supported by the submission of written evidence confirming that the amended design plans / landscaping plans do not otherwise significantly reduce solar access to recreation areas or detract from overall architectural outcomes.

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## PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

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

### Certified Drawings

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

### Protection of Public Infrastructure

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

### Pre-Construction Dilapidation Report

- C5. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

### Community Communication Strategy

- C6. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

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

## Environmental Management Plan Requirements

- C7. 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;
    - (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;
    - (iii) failure to comply with statutory requirements; and
  - (h) 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

- C8. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must 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) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (vii) community consultation and complaints handling;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C10);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition C11);
  - (d) Construction Waste Management Sub-Plan (see condition C12);
  - (e) Construction Soil and Water Management Sub-Plan (see condition C13);

- (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (g) waste classification (for materials to be removed) and validation (for materials to remain) of site to confirm the contamination status in these areas of the site.
- C9. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C10. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council
  - (c) be consistent with the recommendations regarding construction traffic management within *Transport and Accessibility Impact Assessment Report* prepared by Ason Group dated 15/05/2019;
  - (d) 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; and
  - (e) detail heavy vehicle routes, access and parking arrangements, and any associated traffic control measures needed.
- C11. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition C11(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) 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 C11(c). The program should be developed with reference to the recommendations made in the *Noise and Vibration Impact Assessment for Santa Sophia Catholic College*, prepared by *JHA Acoustics* and dated 12 September 2019.
- C12. The Construction Waste Management Sub-Plan (CWMSWP) 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 construction.
- C13. 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 in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
- (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
- (d) detail all off-Site flows from the Site; and
- (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI.

C14. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:

- (a) minimise the impacts of earthworks and construction on the local and regional road network;
- (b) minimise conflicts with other road users;
- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

### **Construction Parking**

C15. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

### **Soil and Water**

C16. Prior to the commencement of construction, the Applicant must:

- (a) install erosion and sediment controls on the site to manage wet weather events in accordance with the CSWMSP (condition C13); and
- (b) divert existing clean surface water around operational areas of the site.

### **Landscaping**

C17. Prior to the commencement of construction, the Applicant must update the approved Landscape Plans listed in condition A2, to the satisfaction of the Certifier. The updated plans must:

- (a) provide for the planting of trees that achieves a minimum tree canopy coverage of 14% on the site;
- (b) detail the location, species, maturity and height at maturity of plants to be planted on-site;
- (c) include species (trees, shrubs and groundcovers) indigenous to the local area; and
- (d) include details confirming planting of trees with a pot container of 100 litres or greater.

### **Compliance Reporting**

~~C18. 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 Certifier.~~

~~C19. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).~~

~~C20. Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program.~~

~~C21. 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 Certifier in writing at least seven days before this is done.~~

~~C22. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual~~

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~~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.~~

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**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, Certifier 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.

**Independent Environmental Audit**

- D3. 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.

~~D4. 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 Certifier.~~

- D4. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

~~D5. 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.~~

~~D6. 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 four weeks' notice to the applicant of the date upon which the audit must be commenced.~~

- D5. 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 or timing upon which the audit must be commenced.

~~D7. Independent Audits of the development must be carried out in accordance with:~~

- ~~(a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition D4 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).~~

D8. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department ~~2018~~ 2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition D4 of this consent;
- (b) submit the response to the Planning Secretary and the Certifier; and



- (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary ~~and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.~~

~~D9. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Department within 21 days of the date referenced in the Independent Audit Program, unless otherwise agreed by the Planning Secretary.~~

D9. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.

D10. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department ~~2018~~ 2020), 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.

### **Construction Hours**

D11. 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 7am and 5pm, Saturdays.

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

D12. Construction activities may be undertaken outside of the hours in condition D11 if required:

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

D13. Notification of such construction activities as referenced in Condition D12 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D14. 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**

D15. 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**

D16. All construction 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**

D17. 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**

D18. 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**

D19. 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 CNVMSP (condition C11).

D20. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site outside of the construction hours of work outlined under condition D11.

D21. 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**

D22. 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).

D23. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D22.

D24. The limits in conditions D22 and D23 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C8 of this consent.

**Tree Protection**

D25. For the duration of the construction works:

- (a) any 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; and
- (b) all street trees (if any) immediately adjacent to the property boundary must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council.

**Air Quality**

D26. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D27. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by appropriate mitigation techniques;
- (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**

D28. All erosion and sediment control measures must be 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 those approved under the CSWMSP (condition C13).

**Imported Fill**

D29. The Applicant must:

- (a) ensure that any imported soil (for fill) brought onto the site comprise VENM, ENM, or other material approved in writing by EPA;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

**Disposal of Seepage and Stormwater**

D30. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

**Unexpected Finds Protocol – Aboriginal Heritage**

D31. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Environment, Energy and Science Group of the Department of Planning, Industry and Environment (EESG) 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.

**Unexpected Finds Protocol – Historic Heritage**

D32. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

**Waste Storage and Processing**

D33. 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.

D34. All waste generated during construction must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014)*.

D35. 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.

D36. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.

D37. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

**Outdoor Lighting**

D38. The Applicant must ensure that all external lighting during construction works are installed and maintained in accordance with *AS 4282-2019 Control of the obtrusive effects of outdoor lighting*.

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**PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION**

**Notification of Occupation**

- E1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary 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.

**Development Contributions**

- E2. Prior to the occupation of the school building, a Section 7.12 levy totalling \$1,232,511.11 (1% of the CIV of the proposal), is to be paid to Council in accordance with Section 7.12 of the EP&A Act and The Hills Development Contributions Plan. Prior to payment Council can provide the value of the indexed levy.

**Use Agreements**

- E3. At least two ~~months~~ **weeks** prior to the commencement of operation, the Applicant must provide the Planning Secretary evidence of the following:
- (a) a copy of a signed deed or use agreement between the Catholic Education Diocese of Parramatta and Celestino Developments Pty Limited (or any other land owner of Lot 2 DP 1237552, being the **Box Hill North Gables** Town Centre) confirming that a **permanent carpark as per Condition A7 of this consent** ~~minimum of 110 car parking spaces~~ would be provided within the future **Box Hill North Gables** Town Centre **or within the playing fields site located on the southern side of Red Gables Road in the Gables (as identified in SK90.01 Issue P1 Broader Site Plan prepared by Rothelowman dated 14/03/2019)** for **exclusive** use by the staff of Santa Sophia Catholic College and the CELC **on school days (between 6am and 6:30pm)**; and
  - (a) a copy of the signed deed or use agreement between the Catholic Education Diocese of Parramatta and Celestino Developments Pty Limited (**or any other landowner of Lot 2 DP 1237552, being the Gables Town Centre**) allowing the continued use of the 110 car space car park approved under DA 29-2020 HA, by the Santa Sophia Catholic College and the CELC staff, located on Lot 1 DP 1237552, on school days, until access to car parking infrastructure referred to in E3(a) is delivered within the future **Box Hill North Gables** Town Centre **or within the playing fields site located on the southern side of Red Gables Road in the Gables (as identified in SK90.01 Issue P1 Broader Site Plan prepared by Rothelowman dated 14/03/2019)**; and
  - (b) a signed Share Use Agreement between the Catholic Education Diocese of Parramatta **and** The Hills Shire Council **and Hockey NSW** allowing the shared use of public open space and the associated playing fields located on the southern side of Red Gables Road **in the Gables (as identified in SK90.01 Issue P1 Broader Site Plan prepared by Rothelowman dated 14/03/2019)** in **Box Hill North**, to ensure suitable access to recreational space is provided for the development.

**Restriction on the title**

- E4. To ensure that appropriate car parking infrastructure is provided for the future use of the school and CELC staff, a positive covenant or restriction-as-to-user under section 88B of the Conveyancing Act 1919, must be created on the title of the allotment accommodating the temporary car park approved by DA 29-2020 HA. The restriction-as-to-user must specify that a total of 110 car spaces would be provided within the allotment, for exclusive use by Santa Sophia Catholic College and the CELC, located on Lot 1 DP 1237552, on school days (between 6am and 6:30pm), until access to a permanent car parking infrastructure referred to in E3(a) is delivered within the future **Box Hill North Gables** Town Centre **or within the playing fields site located on the southern side of Red Gables Road in the Gables (as identified in SK90.01 Issue P1 Broader Site Plan prepared by Rothelowman dated 14/03/2019)**.
- ~~E5. At least two months prior to the commencement of operation of the school, evidence must be submitted to the Planning Secretary demonstrating compliance with condition E4.~~

## CONSOLIDATED CONSENT

- E6. The restriction-as-to-user on the temporary car park, as specified in E4, must not be revoked or lifted without the consent of the Planning Secretary unless permanent car parking (with 110 spaces) is delivered for the exclusive use of Santa Sophia School and CELC, on school days (between 6am and 6:30pm), within the Box Hill North Gables Town Centre or within the playing fields site located on the southern side of Red Gables Road in the Gables (as identified in SK90.01 Issue P1 Broader Site Plan prepared by Rothelowman dated 14/03/2019), the requirements of Condition E6A or E7 have been met and information in this regard is submitted to the satisfaction of the Planning Secretary.
- E6A** Prior to the operation of any permanent car park within the playing fields site located on the southern side of Red Gables Road in the Gables (as identified in SK90.01 Issue P1 Broader Site Plan prepared by Rothelowman dated 14/03/2019), the Applicant must enter in an agreement with the Hills Shire Council assuring that a total of 110 car spaces would be provided within that allotment, for use by Santa Sophia Catholic College and the CELC (located on Lot 1 DP 1237552) on school days (between 6am and 6:30pm) as required to meet the operational requirements of the school and CELC.
- E6B** The terms of the agreement required in condition E6(A) must be consistent with Hills Shire Council's obligations under the Local Government Act 1993 and Council's Plans of Management as they relate to the use and management of Community land, including the need for Council to be satisfied that sufficient amenity will be retained for normal, expected levels of community usage to support the function of the playing fields generally.
- E7. Prior to the operation of the any permanent car park within the Box Hill North Gables Town Centre by Santa Sophia School and CELC, a positive covenant or restriction-as-to-user under section 88B of the Conveyancing Act 1919, must be created on the title of that allotment accommodating the 110 car spaces for permanent and exclusive use of Santa Sophia Catholic College and the CELC, on school days (between 6am and 6:30pm). The restriction-as-to-user must specify that a total of 110 car spaces would be provided within that allotment, for exclusive use by Santa Sophia Catholic College and the CELC (located on Lot 1 DP 1237552) on school days (between 6am and 6:30pm), and in perpetuity, as required to meet the operational requirements of the school.
- E8. At least two months prior to the commencement of operation of the permanent car park within the future Box Hill North Gables Town Centre or within the playing fields site located on the southern side of Red Gables Road in the Gables (as identified in SK90.01 Issue P1 Broader Site Plan prepared by Rothelowman dated 14/03/2019) by Santa Sophia School and CELC, evidence must be submitted to the Planning Secretary demonstrating compliance with condition E6A or E7.
- E9. Following compliance with condition E6A or E7, the restriction-as-to-user on the allotment for the temporary car park (required by E4) may be extinguished provided the Planning Secretary's approval is granted.

### External Walls and Cladding

- E10. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E11. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Post-construction Dilapidation Report

- E12. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier 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**

E13. 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 or otherwise addressed by contributions required by condition E2 of this consent.

**Protection of Property**

E14. 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**

E15. Prior to commencement of operation, 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*.

**Roadworks, Access and car parking provisions**

E16. Within 3 months of issue of the Occupation Certificate and prior to the attendance of students (including CELC students), the Applicant must submit information to the Planning Secretary, demonstrating that the following works have been completed and are operational:

- (a) including construction of future Fontana Drive extension on the western frontage of the site,
- (b) future Road B on the northern frontage of the site;
- (c) drop-off / pick-up zone with 12 cars on future Road B and a bus zone (for five buses) on future Fontana Drive (adjoining the site); and
- (d) temporary car park on the eastern side of the site as approved by DA 29-2020 HA;
- (e) [provision of the required vehicular crossings on future Fontana Drive and future Road B; and](#)
- (f) [evidence of necessary approvals from Council and / or relevant roads authorities \(if applicable\).](#)

**Works as Executed Plans**

E17. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

**Green Travel Plan**

E18. Prior to the commencement of operation, a final Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with Transport for NSW (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, being consistent with the draft GTP within *Transport and Accessibility Impact Assessment Report* prepared by Ason Group dated 15/05/2019 and including the



amended staff mode share targets estimated in Table 17 of the *Transport and Accessibility Impact Assessment Report* prepared by Ason Group dated 15/05/2019 (being 75% car drivers, 10% car passengers, 5% each for walking / cycling / other, and no mode share for bus).

- (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.

**Private School Bus Service**

E19. Prior to the commencement of operation evidence must be submitted to the Planning Secretary that a private bus service has been established with adequate capacity to meet the demand generated by the development in the interim, if suitable public transport services for the Box Hill North precinct, are not established at this time,

**Fontana Drive drop-off / pick-up zone**

E20. The drop-off / pick-up zone on future Fontana Drive, south of Red Gables Road, with a capacity to accommodate 20 cars, must be established within 12 months of the commencement of operation of the school or prior to the school student population exceeding 900 students, wherever occurs first.

**Operational Management Plan**

- E21. Prior to the commencement of operation, the Applicant must prepare an Operational Management Plan (OMP) for the school. The plan must include:
- (a) measures to ensure all wayfinding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
  - (b) measures to allow for the illumination and lighting of signage to be adjusted to ensure no adverse off-site glare or light spill impacts arise;
  - (c) measures to manage the operation and use of the development;
  - (d) the operating hours of the school, the Out-of-hours care (OOSH) and the CELC (as amended by the conditions of this consent);
  - (e) details of the community use of the school facilities and the hours of such use;
  - (f) proposed mitigation measures to maintain the security and safety of the school when community use of school facilities occur;
  - (g) details of use of the café / canteen outside of school hours and the associated access control measures;
  - (h) measures to manage the use and access to recreation areas, including any staggered play times for the Years and age groups with details of the programme of use;
  - (i) measures to manage the use and access to off-site Council owned hockey fields throughout the school term (south of Red Gables Road);
  - (j) details of all out-of-hours events and measures to manage these events and mitigate against any potential adverse impacts on the security of the school due to these events;
  - (k) details of times when the waste collection vehicles would access the site so that there is no conflict with the peak drop-off / pick-up times for CELC (both AM and PM);
  - (l) include an Emergency Management Plan that details all measures and procedures to ensure the safety of all on-site occupants in the event of any emergency including evacuation measures; and
  - (m) include measures to manage operational noise impacts, particularly from outdoor playground and recreational areas, to ensure the use of the development does not result



in exceedances of the project noise trigger levels in accordance with the report titled *Noise and Vibration Impact Assessment for Santa Sophia Catholic College*, prepared by *JHA Acoustics* and dated 12 September 2019.

E22. The Operational Management Plan (OMP) must be submitted to the Certifier for approval.

**Operational Transport and Access Management Plan (OTAMP)**

- E23. Prior to the commencement of operation, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council, TfNSW and TfNSW (RMS), and submitted to the satisfaction of the Planning Secretary. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
  - (b) the location of and access to all car parking spaces on the school campuses and off-site and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (c) the location and operational management procedures of the drop-off /pick-up zones located within future Road B and future Fontana Drive, including access procedures (for the Fontana Drive zone) and staff management / traffic controller arrangements, generally in accordance with the recommendations contained in the *Technical Note* prepared by Ason Group and dated 19 December 2019, which accompanied the Applicant's Response to Submissions Addendum;
  - (d) the location and operational management procedures for the Fontana Drive bus zone for daily school drop-off /pick-up operations, for excursions and sporting activities, including staff management/traffic controller arrangements;
  - (e) details of a private school bus service required by condition E19, including bus routes and service times; and
  - (f) details of parking arrangements for drop-off / pick-up of children using the OOSH;
  - (g) delivery and services vehicle and bus access and management arrangements;
  - (h) management of approved access arrangements;
  - (i) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing the drop-off / pick-up zones;
  - (j) car parking arrangements and management associated with the proposed use of school facilities by community members and events; ~~and~~
  - (k) a monitoring and review program; **and**
  - (l) **a plan to ensure safe reversing movements by trucks accessing the substation on future Fontana Drive (including delivery / loading times restricted outside of school hours).**

**School Zones**

E24. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along future Fontana Drive, future Road B and Red Gables Road must be installed, inspected by TfNSW (RMS) and handed over to TfNSW (RMS).

**Note:** Any required approvals for altering public road speed limits, design and signage are required to be obtained from the relevant consent authority.

E25. All bus zones and drop-off and pick-up zones must be installed and incorporate signs and pavement markings, where required, in accordance with TfNSW (RMS) approval / authorisation, guidelines and specifications.

E26. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

**Mechanical Ventilation**

- E27. Prior to commencement of operation, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

**Operational Noise – Design of Mechanical Plant and Equipment**

- E28. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise and Vibration Impact Assessment for Santa Sophia Catholic College, prepared by JHA Acoustics and dated 12 September 2019 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

**CELC Operational plan**

- E29. Prior to the commencement of operation of the CELC, an operational plan for the use of the CELC must be submitted to the Certifier for approval and a copy submitted to the Planning Secretary for information. The operational plan must include:
- (a) details confirming that the operating hours of the premises would be between 6.00am and 6:30pm, Monday to Friday;
  - (b) outdoor play times for the CELC children are restricted between 7am and 6pm;
  - (c) a playtime programme with specific reference to management measures during the use of the outdoor play space that would be integrated with the Level 1 play space of the school;
  - (d) details confirming that the windows on the south-western elevation must not be open prior to 7am and later than 6pm; and
  - (e) access control measures for the CELC child and separation from the school use.

**Road Damage**

- E30. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

**Fire Safety Certification**

- E31. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

**Structural Inspection Certificate**

- E32. Prior to the occupation of the relevant parts of the building, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

**Compliance with Food Code**

- E33. Prior to the commencement of operation, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *AS 4674 Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the Certifier.

**Stormwater Maintenance Management Plan**

- E34. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP must include the following:
- (a) maintenance schedule of all stormwater devices within the site;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

**Warm Water Systems and Cooling Systems**

- E35. 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**

- E36. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

**Signage**

- E37. Prior to the commencement of operation, all approved signage, including way-finding signage and signage identifying the location of staff car parking must be installed in accordance with the signage details provided in the report *title Santa Sophia Catholic College SSDA 9772 – Response to Submissions (Issue C)*, prepared by BVN and dated 11 February 2020/.
- E38. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- E39. Prior to the commencement of operation, '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.

**Operational Waste Management Plan**

- E40. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. 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 Waste Management Plan provided at Appendix G of the EIS, as updated by the Response to Submissions.
  - (e) details of timing of waste management vehicle access to the site so that there is no conflict with the AM and PM peak drop-off / pick-up times of the CELC.

### Landscaping

- E41. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Planning Secretary. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping and maintenance; and
  - (b) be consistent with the Applicant's Management and Mitigation Measures within the EIS;
- E42. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Planning Secretary.

### Fence

- E43. A 1.8m high solid fence must be constructed along the southern boundary of the site, adjoining the outdoor play area for CELC.
- E44. Prior to the commencement of operation of the school, a suitably qualified consultant must provide a letter to the Certifier, certifying that the open space areas of Level 4 and all other trafficable outdoor areas within the site include landscaping and screening measures to reduce adverse impacts of wind effects, as specified in the Pedestrian Wind Environment Statement prepared by Windtech Consultants Pty Ltd dated 10 May 2019 or as modified by the subsequent wind tunnel testing results.

**PART F POST OCCUPATION**

**Event Management Plan**

- F1. Prior to the commencement of the first school event that involves 100 or more people, the Applicant is to prepare an Event Management Plan (School Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the multi-purpose hall or other civic facility, where applicable, restricting event use before 7am and after 10pm, and ancillary pack-up, clean-up and non-intrusive maintenance until 11pm (no noise being audible on adjoining premises);
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- F2. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.
- F3. Prior to the commencement of out of hours events (community use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) demonstrate that school operations and learning would not be impacted by any community use or reduce access to recreation facilities;
  - (c) arrival and departure times and modes of transport;
  - (d) where relevant, a schedule of all annual events;
  - (e) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (f) details of the use of the multi-purpose hall, rooftop multi-sports court or other civic activity, where applicable, restricting use before 7am and after 10pm, and ancillary pack-up, clean-up and non-intrusive maintenance until 11pm (no noise being audible on adjoining premises);
  - (g) measures to minimise localised traffic and parking impacts; and
  - (h) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- F4. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

**Restriction on Title**

**F4A. Within 3 months of the commencement of operation of the school, evidence must be submitted to the Planning Secretary demonstrating compliance with condition E4.**

**Operating hours**

- F5. The operating hours of the premises are restricted to the following:
- (a) School: 6am to 6pm, Monday to Friday;
  - (b) CELC: 6am to 6:30pm, Monday to Friday (with outdoor play times restricted between 7am – 6pm);
  - (c) OOSH: 6am to 9am and 4pm to 7pm, Monday to Friday; and

- (d) Use of multipurpose hall for community use: 3pm and 10pm, Monday to Friday.  
8am to 10pm Saturday and Sunday.
- (e) Café / canteen: ~~3pm~~ **7am** to 10pm, Monday to Friday and 8am to 10pm Saturday and Sunday.

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**Operation of the cafe**

- F6. The operation of the café should generally be in conjunction with to the use of the site as a school / childcare centre and the community uses proposed within the school. The use of the café / canteen must be managed in accordance with the OMP for the school.

**Operation of Plant and Equipment**

- F7. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

**Warm Water Systems and Cooling Systems**

- F8. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

**Community Communication Strategy**

- F9. 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 Transport and Access Management Plan (OTAMP)**

- F10. The OTAMP(s) approved under condition E23 as revised from time to time) must be implemented by the Applicant for the life of the development.

**Operational Noise Limits**

- F11. The noise generated by operation of the school, the CELC, the OOSH and the community uses within the site must not exceed the noise limits in *Noise and Vibration Impact Assessment for Santa Sophia Catholic College*, prepared by *JHA Acoustics* and dated 12 September 2019.
- F12. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary verify that operational noise levels do not exceed the recommended noise levels for mechanical plant or the project noise trigger levels specified in *Noise and Vibration Impact Assessment for Santa Sophia Catholic College*, prepared by *JHA Acoustics* and dated 12 September 2019. The monitoring program must be carried out:
  - (a) within two months of the commencement of use of the development; and
  - (b) within two months of the commencement of the 2030 schooling year, or when student enrolments have reached capacity, whichever occurs first.
- F13. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

**Unobstructed Driveways and Parking Areas**

- F14. 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**

F15. The Green Travel Plan required by condition E18 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

**Ecologically Sustainable Development**

F16. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4-star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary.

**Outdoor Lighting**

F17. Notwithstanding Condition E3636, 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.

**Signage Illumination**

F18. The proposed illuminated business identification signs on the site must be subject to curfew between 10pm and 7am on all days. The sign must not be illuminated during these hours.

**Landscaping**

F19. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E41 for the duration of occupation of the development.

**Operational Management Plan**

F20. The Operational Management Plans for the school and the CELC (as required by the conditions of this consent), must be updated from time to time and be implemented for the life 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 Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### Utilities and Services

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

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

### Road Occupancy Licence

AN7. 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

AN8. 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

AN9. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

AN10. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### Speed limit authorisation

AN11. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW (RMS) and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the Conditions of Consent;
- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
  - (i) accurate Site boundaries;
  - (ii) details of all road reserves, adjacent to the Site boundaries;

- (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
- (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
- (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
- (vi) all existing and proposed street furniture and street trees.

**Fire Safety Certificate**

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 Planning Secretary at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(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.

For Information Only