

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I determine:

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3; and
- (b) that pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979*, any subsequent stage of the development not being for the purpose of a school with a capital investment value in excess of \$50 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, 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.



Glenn Snow
Director
Transport and Water Assessments

Sydney

20 December 2023

SCHEDULE 1

Application Number:	SSD-31822612
Applicant:	Barker College
Consent Authority:	Minister for Planning and Public Spaces
Site:	91 Pacific Highway, Hornsby and 9 Clarke Road, Waitara (Lot 100 DP 126238 and Lot 100 DP 1232343)
Development:	<p>Concept development application for alterations and additions to Barker College, including:</p> <ul style="list-style-type: none">• A Concept Proposal comprising the staged development of:<ul style="list-style-type: none">○ three new building envelopes;○ upgrades to existing school facilities;○ rationalisation of pick-up / drop-off;○ regularisation of existing enrolment and increase in student staff number to 2850 students and 480 full time equivalent staff at the school at any one time.• Stage 1 works comprising:<ul style="list-style-type: none">○ demolition and tree removal;○ pedestrian and landscaping improvements;○ minor building works;○ rationalisation of pick-up / drop-off;

- regularisation of existing enrolment and increase in student and staff number to 2850 students and 480 full time equivalent staff at the school at any one time.

DEFINITIONS

Aboriginal Object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal Place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	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.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Additional Information	The Applicant's additional information titled <i>Response to Submissions Report for SSD-31822612</i> prepared by Urbis dated October 2023.
AHD	Australian Height Datum
Applicant	Barker College or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
Certifier	Means a council or accredited certifier
Conditions of this consent	The conditions contained in Schedule 2 and Schedule 3 of this document
Construction	<p>All physical work to enable operation including but not limited to 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"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
Council	Hornsby Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EHG	Environment and Heritage Group of the Department
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement –SSD-31822612</i> prepared by Urbis dated November 2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage Division of the Department of Planning and Environment
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: “material harm” is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department’s website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Appendix B of the <i>Response to Submissions Report for SSD-31822612</i> prepared by Urbis dated October 2023.
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
PUDO	Pick-up/drop-off
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to submissions	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.
RtS	The Applicant’s response to submissions titled <i>Response to Submissions Report for SSD-46014456</i> , prepared by Ethos Urban, dated 14 July 2023
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.

Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for NSW
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology and maintenance) to improve the efficiency of the development or to enable or enhance its continued operation.
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
VENM	Virgin ENM
Year	A period of 12 consecutive months

SCHEDULE 2
CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL
PART A ADMINISTRATIVE CONDITIONS

Determination of Future Applications

- A1. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future development application(s), other than the development of Stage 1 that is subject to the conditions in Schedule 3.
- A2. The determination of future development application(s) associated with the Concept Proposal is to be generally consistent with the terms of development consent SSD-31822612 as described in Schedule 1 and subject to the conditions in Parts A and B, Schedule 2.

Terms of Consent

- A3. The development (other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3) 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; and
 - (c) generally in accordance with the Environmental Impact Statement (EIS), Response to Submissions (RtS) and additional information; and
 - (d) in accordance with the approved plans in the table below:

Architectural plans prepared by Neeson, Murcutt and Neille			
Dwg No.	Rev	Name of Plan	Date
DA11.01	02	Concept Envelopes	05/09/2023
DA11.02	02	Concept Elevations – Aquatic and Tennis Centre (ATC)	05/09/2023
DA11.03	02	Concept Elevations – ATC	05/09/2023
DA11.04	02	Concept Elevations – Performing Arts and Exams Centre (PAE)	05/09/2023
DA11.05	02	Concept Elevations – PAE	05/09/2023
Landscape drawings prepared by 360 Degrees Landscape Architects			
Dwg No.	Rev	Name of Plan	Date
LA-DA-21	D	Key Plan – Southern Precinct	09/09/2022
LA-DA-22	D	Southern Precinct – Future Stages – Circulation Plan	09/09/2022
LA-DA-23	B	Southern Precinct – Future Stages – Tree Removal Plan	09/09/2022
LA-DA-24	D	Aquatic and Tennis Centre – Future Stage Landscape Masterplan	09/09/2022
LA-DA-25	D	Recital Hall - Future Stage Landscape Masterplan	09/09/2022
LA-DA-26	D	Planting Palette	09/09/2022

- A4. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and

- (c) the implementation of any actions or measures contained in any such document referred to in Schedule 2 condition A4(a).
- A5. 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 Schedule 2 condition A3(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 2 condition A3(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A6. This consent lapses five years after the date of consent unless the Stage 1 works, identified in Schedule 1 of this development consent, have physically commenced.
- A7. This approval does not allow any components of the Concept proposal to be carried out without further approval or consent being obtained from the relevant consent authority, except the Stage 1 component identified in Schedule 1 of this development that is subject to the conditions of consent in Schedule 3.

Planning Secretary as Moderator

- A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Legal Notices

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

Student numbers

- A10. The maximum student and staff population permitted at the school at any one time must not exceed 2850 students (258 additional) and 480 full time equivalent staff.

ADVISORY NOTES

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

PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Maximum Building Envelope Heights and Finished Floor Levels

- B1. All future development application(s) associated with the Concept Proposal must demonstrate that the maximum building heights for all proposed buildings, within the approved building envelopes in this development consent, comply with the maximum building heights in the architectural plans listed in Schedule 2 condition A3.
- B2. All future development application(s) associated with the Concept Proposal must:
- demonstrate that the minimum finished floor levels (FFL) for all proposed buildings are located within the approved building envelopes in this development consent;
 - provide details of the heights of basement floors and entry points and flood protection measures at the basement level entries (as relevant) to minimise risk to life and property/ies;
 - demonstrate that no flood waters can enter lifts in future buildings to prevent people from exiting into flooded areas;
 - demonstrate that all basement openings (as relevant) achieve minimum FFL above the Probable Maximum Flood (PMF) level at that location;
 - include flood risk mitigation measures and recommendations of the *Flood Impact Assessment report* prepared by Taylor Thomson Whitting dated 27 September 2023 and addendum dated 27 November 2023;
 - demonstrate that critical infrastructure for the Performing Arts and Exams Centre (PAE) is either located above the PMF level; and
 - include the following minimum ground floor FFLs, as recommended by the *Flood Impact Assessment report* prepared by Taylor Thomson Whitting dated 27 September 2023 and addendum dated 27 November 2023, listed in the architectural plans listed in Schedule 2 condition A3 and summarised in the following table:

Building Envelopes	Minimum FFL
Aquatic and Tennis Centre (ATC)	RL171.3 AHD
ATC – eastern ramp to lower ground car park (crest level)	RL168 AHD (at peak)
ATC – western ramp to lower ground car park (crest level)	RL169.5 AHD (at peak)
PAE	RL169 AHD
PAE – access ramp to basement car park	RL163 AHD (at peak)
PAE - access ramp to loading dock	RL162.5 AHD (at peak)
Maintenance Building	RL162.4 AHD

Built Form and Urban Design

- B3. All future development application(s) associated with the Concept Proposal must include (as relevant):
- detailed plans, elevations and sections;
 - Crime Prevention Through Environmental Design (CPTED) details (as relevant); and
 - a Design Statement demonstrating the design quality of the proposed development and having regard to the existing buildings on the site, character of surrounding development, and the design quality principles in Schedule 8 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- B4. All future development application(s) associated with the Concept Proposal must achieve an appropriate degree of accessibility in accordance with the Disability (Access to Premises – buildings) Standards 2010 and include an Access Report, prepared by a suitably qualified consultant, demonstrating compliance, as relevant.

Amenity

- B5. All future development application(s) associated with the Concept Proposal must include an assessment of amenity impacts including solar and daylight access (incorporating detailed overshadowing diagrams) and visual privacy.

Community Use

- B6. All future development application(s) associated with the Concept Proposal must clarify whether there are any new arrangements or changes to the existing arrangements for community use of school facilities/infrastructure. Where new or altered arrangements are proposed, details of operational management, use, hours of operation, noise traffic and amenity impacts must be provided.

Operational Noise and Vibration

- B7. All future development application(s) associated with the Concept proposal must be accompanied by a Noise and Vibration Impact Assessment Report, prepared by a suitably qualified consultant, including (but not limited to):
- (a) a quantitative assessment of the main noise generating sources and activities during operation of the development;
 - (b) information that is consistent with the *SSDA Acoustic Assessment – Concept Approval and Stage 1 Works* prepared by Acoustic Logic Pty Ltd dated 25 October 2023;
 - (c) any management and mitigating measures necessary to ensure the amenity of future sensitive land uses on the site and neighbouring sites is protected during the operation of the development; and
 - (d) an assessment of construction noise and vibration impact including the impacts of future construction noise on the ongoing operation of the development.

Operational Waste

- B8. All future development application(s) associated with the Concept Proposal must include an Operational Waste Management Plan, prepared by a suitably qualified consultant, to address storage, collection, and management of waste and recycling associated with the entire site and that stage of the development.

Flood and Stormwater Assessment

- B9. All future development application(s) associated with the Concept Proposal must be accompanied by a Flood and Stormwater Impact Assessment, prepared by a suitably qualified consultant, including (but not limited to):
- (a) a Flood Impact Assessment Report which is generally consistent with Flood Impact Assessment report prepared by Taylor Thomson Whitting dated 27 September 2023 and addendum dated 27 November 2023;
 - (b) include details of the heights of basement floors and entry points and assess the flood risks associated with the basement floors along with proposed mitigation measures; and
 - (c) emergency response plan(s) consistent with and as an update to the Flood Emergency Management Plan required by Stage 1 (schedule 3 condition E24).

Trees and Landscaping

- B10. All future development application(s) associated with the Concept Proposal must include an assessment of existing trees, proposed tree retention and removal (including justification), tree significance (including heritage significance), tree replacements, tree protection, consistent with the arboricultural assessment conducted under this development consent (document titled '*Barker College – Concept Proposal and Stage 1 SSDA Arboricultural Impact Assessment*' prepared by CIVICA dated 8 August 2022) and include any additional required management and mitigation measures, as required.
- B11. All future development application(s) associated with the Concept Proposal must include a landscape report, prepared by a suitably qualified consultant, and plans including the detailed design and treatment of all existing and new ground and surface areas around buildings and the

relationship of these spaces with existing and proposed buildings, landscaping and trees, spaces, structures and connections.

Ecologically Sustainable Development and Environmental Performance

- B12. All future development application(s) associated with the Concept Proposal must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the new buildings.
- B13. All future development application(s) associated with the Concept Proposal must demonstrate that building(s) achieve a minimum 5- star Green Star Design and As Built rating or an alternative certification process endorsed by the consent authority.
- B14. All future development application(s) (if relevant to an SSD application in the future) associated with the Concept Proposal must submit a Net Zero Statement as per the requirement under State Environmental Planning Policy (Sustainable Buildings) 2022.

Car and Bicycle Parking

- B15. All future development application(s) associated with the Concept Proposal must demonstrate 438 on-site car parking spaces (+ 49 car spaces within the Kurrajong Prep School car park) are provided in accordance with the requirements in Schedule 3 of this development consent.
- B16. All future development application(s) associated with the Concept Proposal must demonstrate that 38 bicycle spaces for students / staff with end-of-trip facilities in accordance with the latest version of the relevant Australian Standards, are provided within the site.

Traffic and Transport

- B17. All future development application(s) associated with the Concept Proposal must be accompanied by a Traffic Impact Assessment (including traffic and parking assessment as relevant to the application), prepared by a suitably qualified consultant, consistent with the assessment conducted under this development consent and include additional mitigation measures, if required.
- B18. All future development application(s) associated with the Concept Proposal must include a review and update (where necessary) to the Operational Transport and Access Management Plan (OTAMP) for Stage 1 works (Schedule 3 condition E12).
- B19. All future development application(s) associated with the Concept Proposal must include a Green Travel Plan (GTP), prepared by a suitably qualified consultant, as an addendum to the most recent version of the GTP established by the Stage 1 works (Schedule 3 condition E11) which identifies opportunities to maximise and encourage sustainable transport choices for future students, staff and visitors.

Construction Impact Assessment

- B20. All future development application(s) associated with the Concept Proposal must include a Construction Environmental Management Plan, prepared by a suitably qualified consultant, to provide an analysis and assessment of the impacts of construction including (but not limited to):
 - (a) Construction Traffic and Pedestrian Management Plan, detailing construction vehicles routes and numbers, hours of construction, impacts on on-going school operations, access arrangements, traffic control measures, pedestrian and cyclist links / routes, independent road safety audits on construction related traffic measures and cumulative construction impacts;
 - (b) Construction Noise and Vibration Management Plan, providing a quantitative assessment of the main noise generating sources and activities during construction, impacts of construction noise on on-going operation of the school and surrounding sensitive receivers and relevant management and mitigation measures to reduce adverse impacts due to construction noise; and
 - (c) Construction Waste Management Plan.

Operational Management Plan

- B21. All future development application(s) associated with the Concept Proposal must include an updated Operational Management Plan (including all sub-plans) that is consistent with the requirements in Stage 1 (Schedule 3 condition E22).

Utilities

- B22. All future development application(s) associated with the Concept Proposal must address the existing capacity and any augmentation requirements of the development on the provision of utilities, including staging of infrastructure through the preparation of an Infrastructure Management Plan.

Structure

- B23. All future development application(s) associated with the Concept Proposal must include a Structural Report prepared by a suitably qualified consultant that demonstrates the proposal can be constructed in accordance with the Building Code of Australia.

Contamination

- B24. All future development application(s) associated with the Concept Proposal for demolition, excavation and/or detailed designs of new / extended buildings must be accompanied by an assessment of potential site contamination, prepared by a suitably qualified consultant, and a Remedial Action Plan (where necessary) to demonstrate compliance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.
- B25. All future development application(s) associated with the Concept Proposal must include a review and update (where necessary) to the Remediation Action Plan for Stage 1 works (Schedule 3 condition C24).

Archaeology and Aboriginal Cultural Heritage Assessment

- B26. All future development application(s) associated with the Concept Proposal must demonstrate that there are no additional impacts on Aboriginal and non-Aboriginal heritage values of the site, in addition to that assessed in the *Aboriginal Archaeological Cultural Heritage Assessment* prepared by Extent Heritage Advisors dated March 2022.

Historic Heritage

- B27. All future development application(s) associated with the Concept proposal must include a Heritage Impact Statement, prepared by a suitably qualified consultant and be generally consistent with the conclusions and recommendations of *Heritage Impact Assessment* prepared by NBRS dated September 2022.

SCHEDULE 3 - CONDITIONS OF CONSENT FOR STAGE 1 WORKS

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

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

Architectural drawings prepared by Neeson, Murcutt and Neille			
Dwg No.	Rev	Name of Plan	Date
DA1.01	02	Site Plan	21/10/2022
DA1.02	01	Circulation Diagram	08/07/2022
DA2.01	01	Level 1 Demolition Plan	08/07/2022
DA2.02	01	Level 2 Demolition Plan	08/07/2022
DA2.03	01	Level 3 Demolition Plan	08/07/2022
DA2.11	01	Level 1 Plan	08/07/2022
DA2.12	01	Level 2 Plan	08/07/2022
DA2.13	01	Level 3 Plan	08/07/2022
DA3.01	01	Elevation + Sections	08/07/2022
DA4.01	01	Materials	08/07/2022
Landscape drawings prepared by 360 Degrees Landscape Architects			
Dwg No.	Rev	Name of Plan	Date
LA-DA-02	D	Landscape Precinct – Stage 1	09/09/2022
LA-DA-03	D	Existing and Proposed Landscape Precincts	09/09/2022
LA-DA-04	B	Landscape Nodes Diagram	09/09/2022
LA-DA-05	D	Key Plan – Northern Precinct	09/09/2022
LA-DA-06	D	Northern Precinct – Circulation Plan – Stage 1	09/09/2022
LA-DA-07	B	Northern Precinct - Tree Removal Plan	09/09/2022
LA-DA-08	D	C Block Landscape Plan	09/09/2022
LA-DA-09	D	The Avenue – Circulation Routes	09/09/2022
LA-DA-10	D	The Avenue Landscape Plan	09/09/2022
LA-DA-11	D	Phipps Taylor & Rosewood Landscape Plan	09/09/2022
LA-DA-12	D	Planting Palette	09/09/2022

- 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 Schedule 3 condition A3(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 Schedule 3 condition A2(c)(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 3 condition A2(c)(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

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

Student numbers

- A6. This maximum student and staff population permitted at the school at any one time must not exceed 2850 students and 480 full time equivalent staff.
- A7. No student increase beyond the existing enrolment of 2592 students within the site must occur, until the applicant submits evidence to and obtains approval from the Planning Secretary demonstrating that:
- (a) the OTAMP has been prepared and implemented in accordance with condition Schedule 3 condition E12;
 - (b) the Green Travel Plan (GTP) has been prepared in accordance with Schedule 3 condition E11;
 - (c) completion of the rationalisation of the pick-up/drop-off (PUDO) areas including all physical and management measures proposed in Stage 1; and
 - (d) the provision of 438 operational car parking spaces (+ 49 car spaces within the Kurrajong Prep School used as PUDO spaces during AM and PM school peak hours) within the site.

Prescribed Conditions

- A8. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 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 Stage 1 of 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 satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the

proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

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 the 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;
- (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
- (e) 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 approved by the Planning Secretary.

A14. Where construction 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 including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

A15. 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 updated strategy, plan or program prepared in accordance with Schedule 3 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.

External Walls and Cladding

A19. Any external wall or cladding including proposed additions to existing buildings, as relevant to the Stage 1 works, must comply with the relevant requirements of the BCA.

Structural Adequacy

- A20. All new buildings and structures that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

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 Schedule 3 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, and publicly available for 12 months after the commencement of operations of each of the respective stages (where relevant).

Post approval traffic monitoring

- A25. A suitably qualified independent traffic consultant must undertake an audit of the PUDO zone, at 12 months of implementation of the OTAMP required by Schedule 3 condition E12 and rationalisation of the PUDO. The audit must:

- (a) include traffic counts at the PUDO zone during the AM and PM school peak periods; and
 - (b) demonstrate that the proposed PUDO zone:
 - (i) is adequate to cater for the school traffic;
 - (ii) does not result in queuing across College Crescent and the adjoining intersections to the west of College Crescent; and
 - (iii) does not impede the movement of passing vehicles or other emergency vehicles on College Crescent, Clarke Road and the surrounding roads.
- A26. The Applicant must submit evidence to and obtain approval from the Planning Secretary, within the 12 months of implementation of the OTAMP required by Schedule 3 condition E12 and the implementation of the GTP required by Schedule 3 condition E11 and then 5 consecutive years (at 12 months interval starting from the first year), demonstrating that:
- (a) the GTP has been implemented and that the proposed targets of mode of share have been achieved; or
 - (b) alternative mode share targets have been agreed with the Planning Secretary and implemented; and
 - (c) reduction in the car usage to the school has been achieved.
- A27. The Applicant must submit to the Planning Secretary the results of the audits required by Schedule 3 condition A25 (and the necessary mitigations / management measures implemented, if relevant), within 6 months of undertaking the audit, to verify the success of the Green Travel Plan (GTP) required to be prepared under Schedule 3 condition E11.

Compliance

- A28. 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

- A29. The Planning Secretary must be notified through the major projects portal 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.
- A30. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A31. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A32. 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.
- A33. 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

- A34. Within three months of the:
- (a) submission of an incident report under Schedule 3 condition A29;
 - (b) submission of a Compliance Report under Schedule 3 condition A36;
 - (c) approval of any modification of the conditions of this consent; or
 - (d) issue of a direction of the Planning Secretary under condition A2(b) 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.

- A35. 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 or Certifier (where previously approved by the Certifier). 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

- A36. Within three months of the notified date of commencement of operation of Stage 1, a Compliance Report must be submitted and approval obtained from the Certifier confirming that the development has been carried out in accordance with the conditions of this consent.

PART B PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

External Walls and Cladding

- B1. Prior to the issue of any relevant 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 (wherever applicable or relevant), 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.
- B2. A suitably qualified consultant must certify that all the building improvement works (as relevant) comply with the relevant sections of BCA.

Car Parking and Service Vehicle Layout

- B3. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to and approval obtained from the Certifier demonstrating that all vehicles in the PUDO can enter and leave the site in a forward direction.

Bicycle Parking and End-of-Trip Facilities

- B4. Prior to the issue of any relevant construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to, and approval obtained from, the Certifier:
- a) the provision of a minimum 38 bicycle parking spaces outlined in plans listed in Schedule 3 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.

Geotechnical report

- B5. Prior to the issue of any relevant construction certificate, evidence must be provided and be approved by the Certifier, demonstrating that the construction certificate plans include the design recommendations of the *Geotechnical Assessment* prepared by JK Geotechnics dated 18 August 2022.

Development Contributions

- B6. Prior to the issue of any relevant construction certificate, a payment of a levy of 1% of the proposed cost of carrying out Stage 1 of the development must be paid to Council under section 7.12 of the EP&A Act.

Trees and Landscaping

- B7. Prior to the issue of any relevant construction certificate, evidence must be provided and be approved by the certifier, demonstrating that the construction certificate plans include the recommendations of the *Barker College – Concept Proposal and Stage 1 SSDA Arboricultural Impact Assessment* prepared by CIVICA dated 8 August 2022 and include any additional required management and protection measures, as required.

Stormwater Management System

- B8. Prior to the issue of any relevant construction certificate, the Applicant must design an operational stormwater management system for the development in accordance with Hornsby Shire Council's requirements, in consultation with Council and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be connect to the existing stormwater system on site and be gravity drained to the Council's drainage system on the surrounding streets (as relevant); and
 - (c) be generally in accordance with the conceptual design in the EIS.

Accessibility

- B9. The construction certificate plans for Stage 1 must demonstrate that the development achieves an appropriate degree of accessibility in accordance with the Disability (Access to Premises – buildings) Standards 2010.

Operational Noise

- B10. Prior to the issue of any relevant construction certificate, the Applicant must submit evidence to the Certifier that:
- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels as recommended in the *SSDA Acoustic Assessment – Concept Approval and Stage 1 Works* prepared by Acoustic Logic Pty Ltd dated 25 October 2023 must be undertaken by a suitably qualified person; and
 - (b) the noise mitigation recommendations for the mechanical plant and equipment and material workroom (as relevant) in the *SSDA Acoustic Assessment – Concept Approval and Stage 1 Works* prepared by Acoustic Logic Pty Ltd dated 25 October 2023 as updated the by the detailed assessment of the mechanical plant and equipment required by condition B10(a) have been incorporated into the design to ensure the development will not exceed the predicted noise emission levels at receivers identified in the *SSDA Acoustic Assessment – Concept Approval and Stage 1 Works* prepared by Acoustic Logic Pty Ltd dated 25 October 2023.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

Certified Drawings

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

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- C4. Prior to the commencement of any construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services and infrastructure 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 Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets near the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

Pre-Construction Survey – Adjoining Properties

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-dilapidation construction survey to owners of residential / commercial buildings that are likely to be impacted by the development.
- C6. Prior to the commencement of any dilapidation construction, the Applicant must offer a pre-construction survey to owners of residential / commercial buildings that are likely to be impacted by the development.
- C7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by Schedule 3 condition C6, the Applicant must:
 - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Community Communication Strategy

- C8. No later than two weeks before the commencement of any 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, 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, and heritage.

Demolition

- C9. Prior to the commencement of demolition works, a demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier.

Outdoor Lighting

- C10. Prior to the installation of outdoor lighting, 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.

Environmental Management Plan Requirements

- C11. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE, April 2020).

Note: The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>.

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

Construction Environmental Management Plan

- C12. Prior to the commencement of any 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 during construction;
 - (v) groundwater management plan including measures to prevent groundwater contamination;
 - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by Schedule 3 condition C8;
 - (viii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (ix) flood emergency procedures during construction works;
 - (b) Construction Noise and Vibration Management Sub-Plan (see Schedule 3 condition C14);

- (c) Construction Traffic and Pedestrian Management Sub-Plan (see Schedule 3 condition C15);
- (d) an unexpected finds protocol for contamination, any required remediation (if relevant) and associated communications procedure;
- (e) construction flood emergency management procedures for the site including:
 - (i) flood warning and notification procedures for construction workers on site; and
 - (ii) evacuation and refuge protocols; and
- (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.

C13. 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.

Construction Noise and Vibration Management

C14. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) be generally consistent with the recommendations of the *SSDA Acoustic Assessment – Concept Approval and Stage 1 Works* prepared by Acoustic Logic Pty Ltd dated 25 October 2023;
- (c) describe procedures for achieving the noise management levels in Section 8 of the *SSDA Acoustic Assessment – Concept Approval and Stage 1 Works* prepared by Acoustic Logic Pty Ltd dated 25 October 2023;
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (e) include strategies that have been developed with the community for managing high noise generating works;
- (f) describe the community consultation undertaken to develop the strategies in condition Schedule 3 condition C14(e);
- (g) include a complaints management system that would be implemented for the duration of the construction; and
- (h) include a program during noise intensive works to monitor and report on the impacts and environmental performance of the development to and the effectiveness of the management measures required in Schedule 3 condition C11.

Construction Traffic Management

C15. The Applicant must prepare a Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) and the plan must address, but not be limited to the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be consistent with the *Construction Traffic Management Plan* prepared by TTPP dated 13 July 2022;
- (c) be prepared in consultation with Council and TfNSW;
- (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.

C16. Prior to the commencement of any construction, the Applicant must submit the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre within TfNSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time.

Note: The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

- C17. 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.
- C18. Prior to the commencement of any construction that involves the requirement of work zones on any of the streets fronting the site, the Applicant must obtain permits for the 'work zone' from the relevant roads' authority and install appropriate signage.

Soil and Water Management

- C19. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- C20. Prior to the commencement of construction, the Applicant 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 Annual Recurrence Interval (ARI), 1 in 5-year ARI and 1 in 100-year ARI.

Construction Worker Transportation Strategy

- C21. Prior to the commencement of any construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

Geotechnical

- C22. Prior to the commencement of any construction, the Applicant must ensure that:
- (a) necessary equipment for monitoring of water levels in standpipes across the basement footprint are installed; and
 - (b) measures to ensure appropriate subsoil drainage during and upon completion of construction works are incorporated.

Site Contamination

- C23. Prior to the commencement of any construction, the Applicant must engage a NSW EPA accredited Site Auditor to provide advice throughout the duration of works, to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.
- C24. Following completion of the demolition of existing buildings and/or structures, and prior to the commencement of any construction works which involve ground disturbance, the Applicant must undertake additional investigations as recommended by the *Remediation Action Plan* prepared by JK Environments dated 29 September 2023 and the *Detailed (Stage 2) Site Investigation* prepared by JK Environments dated 31 May 2023 including additional groundwater monitoring.
- C25. The *Remediation Action Plan* prepared by JK Environments dated 29 September 2023 must be updated to reflect the results of the additional soil and groundwater investigations.
- C26. The updated *Remediation Action Plan* prepared by JK Environments dated 29 September 2023 (RAP) must be provided to the Planning Secretary for information, including the Interim Audit Advice and:
- (a) be prepared by a suitably qualified consultant;
 - (b) be submitted to and be approved by the Site Auditor;
 - (c) be supported by an Interim Audit Advice from an EPA-accredited Site Auditor certifying the updated RAP as appropriate prior to the commencement of remediation works.

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

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

Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by Schedule 3 condition C9.

Construction Hours

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours in Schedule 3 condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D6. Notification of such construction activities as referenced in Schedule 3 condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours, unless other methods of noise management are specified and approved in the CNVMSP required by Schedule 2 condition C14:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm, Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the submitted CEMP (including Sub-Plans), the endorsed CTPMP, and construction workers parking strategy.

Construction Traffic

- D9. All construction vehicles (excluding site personnel 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 or an approved on-street work zone before stopping.

Hoarding Requirements

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

No Obstruction of Public Way

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

Construction Noise Limits

- D12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented, and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMSP in Schedule 3 condition C14.
- D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under Schedule 3 condition D4 unless approved by Schedule 3 condition D5.
- D14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- D15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the most recent version of *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006)(as may be updated or replaced from time to time).
- D16. Vibratory compactors must not be used closer than 30m from residential buildings, unless vibration monitoring confirms compliance with the vibration criteria specified in Schedule 3 condition D15.
- D17. The limits in conditions Schedule 3 condition D15 and Schedule 3 condition D16 apply unless otherwise outlined in a CNVMSP, approved as part of the CEMP required by Schedule 3 condition C12.

Tree Protection

- D18. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent, or prior written approval from Council is obtained, or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the approved disturbance area / property boundary/ies 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;
- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment Report* prepared by CIVICA dated 8 August 2022; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist, and must avoid direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is greater.

Air Quality

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D20. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- D21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with Schedule 3 condition A1 and Schedule condition C19.

Imported Fill

- D22. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

- D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the 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.

Emergency Management

- D24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Flood Management

D25. For the duration of construction works, the Applicant must implement, in accordance with the CEMP required by Schedule 3 condition C12.

Unexpected Finds Protocol – Aboriginal Heritage

D26. In the event that surface disturbance identifies a new Aboriginal object:

- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
- (b) a suitably qualified archaeologist, and the registered Aboriginal representatives, must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS;
- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologist(s), and Heritage NSW, to develop and implement management strategies for all objects/sites; and
- (e) works may only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

D27. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
- (b) 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 as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Burials

D28. In the event that a burial or skeletal remains are uncovered during work:

- (a) all works must cease immediately in that area and the NSW Police and Heritage NSW contacted;
- (b) a suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains;
- (c) the Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains; and
- (d) works may only recommence with the written approval of Heritage NSW.

Waste Storage and Processing

D29. 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.

D30. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D31. 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.

D32. 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.

D33. 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

- D34. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

- D35. Remediation of the site including any groundwater contamination remediation must be carried out and completed in accordance with the updated Remediation Action Plan, required by the updated Remediation Action Plan in Schedule 3 condition C25 and any variations approved by the appointed Site Auditor.
- D36. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D37. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Independent Environmental Audit

- D38. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D39. 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.
- D40. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 weeks' notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- D41. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under Schedule 3 condition D38 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 within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- D42. 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.
- D43. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

Notification of Occupation

- E1. At least one month before the issue of the final occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing.

External Walls and Cladding

- E2. Prior to the issue of any relevant occupation certificate, 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 (as relevant to this consent), comply with the requirements of the BCA.
- E3. 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 – Protection of Public Infrastructure

- E4. Prior to the issue of any occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by Schedule 3 condition C4;
 - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads);
 - (c) be submitted to the Certifier;
 - (d) be forwarded to Council for information; and
 - (e) be provided to the Planning Secretary when requested.

Repair of Public Infrastructure

- E5. Unless the Applicant and the relevant public 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 construction works; and/or
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
 - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.

Road Damage

- E6. Prior to the issue of any relevant occupation certificate, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

Post-Construction Survey – Adjoining Properties

- E7. Where a pre-construction survey has been undertaken in accordance with Schedule 3 condition C6, prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with Schedule 3 condition C7;
 - (b) be provided to the owner of the relevant buildings surveyed;
 - (c) be provided to the Certifier; and
 - (d) be provided to the Planning Secretary when requested.

- E8. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Utilities and Services

- E9. Prior to the issue of any relevant occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Works as Executed Plans

- E10. Prior to the issue of any relevant occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Green Travel Plan

- E11. Prior to the issue of the occupation certificate for the PUDO area, a Green Travel Plan (GTP), must be submitted to and approved in writing by the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
 - (b) be consistent with the *Green Travel Plan* prepared by TTPP dated 10 October 2023;
 - (c) 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;
 - (d) include specific tools and actions to help achieve the objectives and mode share targets submitted in the *Green Travel Plan* prepared by TTPP dated 10 October 2023;
 - (e) 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
 - (f) 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.

Operational Transport and Access Management Plan (OTAMP)

- E12. The Applicant must prepare, an Operational Transport and Access Management Plan (OTAMP) for the PUDO area (following the physical mitigation works in this area) forming part of the Stage 1, an OTAMP must:
- (a) be prepared by a suitably qualified person, in consultation with Council and TfNSW;
 - (b) be submitted to and approval obtained from the Planning Secretary.;
- E13. The OTAMP required by Schedule 3 condition E12 must:
- (a) be consistent with Appendix A and B of the Traffic and Access Impact Assessment - Operational Traffic and Access Management Plan prepared by TTPP dated 10 October 2023;
 - (b) include:
 - (i) 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;
 - (ii) include details confirming the staggered start and finish times of the school as identified in the Barker College – Traffic Response to Submissions prepared by TTPP dated 10 October 2023;

- (iii) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- (iv) the location and operational management procedures of the pick-up and drop-off parking located within the school, including staff management/traffic controller arrangements;
- (v) delivery and services vehicle and bus access and management arrangements;
- (vi) management of approved access arrangements;
- (vii) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off;
- (viii) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (ix) a monitoring and review program.

Car Parking, Service Vehicles, and Bicycle parking Arrangements

- E14. Prior to the issue of the occupation certificate of the PUDO area, evidence must be submitted to and approval obtained from the Certifier that demonstrates that:
- (a) 438 car spaces are available for use by students and staff, within the site;
 - (b) 49 car parking spaces are available within the Kurrajong Prep School for use as PUDO during the school AM and PM peak hours;
 - (c) bicycle parking facilities comply with Schedule 3 condition B4;
 - (d) appropriate pedestrian and cyclist advisory signs are to be provided;
 - (e) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads' authority;
 - (f) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
 - (g) end-of-trip facilities for staff are provided.

Fire Safety Certification

- E15. Prior to the issue of any relevant occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- E16. Prior to the issue of any relevant occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the 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.

Outdoor Lighting

- E17. Prior to the issue of any relevant occupation certificate, 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

- E18. Prior to the issue of any relevant occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E19. Prior to the issue of any relevant occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Landscaping

- E20. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence, to the satisfaction of the Certifier, demonstrating that the landscaping of the site has been completed in accordance with landscape plan(s) approved under Schedule 3 condition A2.
- E21. Prior to the issue of any relevant occupation certificate, the Applicant must prepare and submit to the Certifier for approval, and Operational Landscape Management Plan, to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measure to manage revegetation and landscaping.

Operational Management Plan

- E22. The Applicant must prepare, an Operational Management Plan (OMP) for the school to:
 - (a) include details of students and staff numbers (to be 2850 students and 480 full time equivalent staff);
 - (b) include details confirming the staggered start and finish times of the school as identified in the *Barker College – Traffic Response to Submissions* prepared by TTPP dated 10 October 2023;
 - (c) confirm the total number of students including the year groups;
 - (d) include measures to ensure all way-finding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
 - (e) detail the out of hours school use;
 - (f) 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;
 - (g) include an overarching complaint handling system that would be applicable to all of the sub-plans and can be displayed publicly on the school's website; and
 - (h) include an overarching review and monitoring program for a yearly review and monitoring of the operations of each of the relevant uses (applying to all of the sub-plans) at their commencement.
- E23. The OMP must be submitted to and be approved by the Planning Secretary, prior to any increase in student population beyond that existing in the school campus at the time of this consent and ensure that the following information is published on the website:
 - (a) details confirming the staggered start and finish times of the school as identified in the *Barker College – Traffic Response to Submissions* prepared by TTPP dated 10 October 2023;
 - (b) details of the indicative out of hours school use;
 - (c) details of an overarching complaint handling system; and
 - (d) details of an overarching review and monitoring program which will be reviewed annually.

Flood Emergency Management Plan

- E24. Prior to the issue of the occupation certificate PUDO area, a detailed Flood Emergency Management Plan (FEMP) must be submitted to the Certifier that:
 - (a) has been prepared by a suitably qualified and experienced person(s);
 - (b) has been prepared noting the limitations described in the NSW Flood risk management manual 2023;

- (c) addresses the provisions of the Floodplain Risk Management Guidelines (EHG);
 - (d) incorporates the following:
 - (i) the flood emergency management protocols for school;
 - (ii) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students and visitors;
 - (iii) details strategies such as early or pre-emptive school closure, and other management requirements where relevant and where consistent with SES advice;
 - (iv) detailed mitigation measures to ensure the school, including the PUDO areas/ vehicular access points from College Crescent, are closed before the beginning of the day in the first instance when a severe weather warning is issued for Hornsby or adjacent local government areas;
 - (v) alternate traffic movement route within the site, during extreme flood events, where the driveway exit point at College Crescent becomes blocked by high hazard (H5) flood waters on this road;
 - (vi) details of assembly points and flood free routes where required (such as routes via the pedestrian gate at Pacific Highway or Unwin Road);
 - (vii) maps of the evacuation routes;
 - (viii) clear emergency management triggers and responses;
 - (ix) details of flood warning time and flood notification; and
 - (x) clear roles and responsibilities for emergency flood management within the school;
 - (xi) recognises that NSW SES is the lead combat agency for floods and state that any flood response directive issued by the SES must be followed;
 - (xii) provides clear messaging and communication protocols including clear requirements that the FEMP be regularly reviewed;
 - (e) includes details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members; and
 - (f) includes a monitoring and review program.
- E25. A copy of the final Flood Emergency Management Plan (required by Schedule 3 condition E24) must be:
- (a) peer-reviewed and endorsed by a suitably qualified engineer confirming that FEMP complies with requirements of Schedule 3 condition E24;
 - (b) approved by the Certifier;
 - (c) published on the Applicant's website at all times (the most recent version); and
 - (d) provided to the Planning Secretary for information, within 7 days of request.

Geotechnical

- E26. Prior to the issue of the occupation certificate, satisfactory evidence must be submitted to the Certifier that any recommendations provided in the additional geotechnical investigation undertaken under Schedule 3 condition B5 have been incorporated into the design of the development (if relevant)

Site Contamination

- E27. Prior to the issue of any occupation certificate, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan (if required by the Site Auditor). The Section A1 or A2 Site Audit Statement must verify the site is suitable for the intended land use and be provided, along with any Environmental Management Plan (if required by the Site Auditor) to the Certifier and to the Planning Secretary upon request.

Accessibility Requirements

- E28. Prior to the issue of any relevant occupation certificate, a suitably qualified Access Consultant must certify that the existing buildings altered by the proposed works, as well as any new

pedestrian connections within the site, car parking spaces and the landscaped areas identified in plans referenced in Schedule 3 condition A2 complies with the recommendations in the *Access Assessment Report* prepared by BCA Access dated 22 July 2022.

Mechanical Plant and equipment

- E29. Prior to the issue of the occupation certificate, the Applicant must provide evidence from a suitability qualified consultant to and obtain approval from the Certifier demonstrating that all operational noise measures recommended in Schedule 3 condition B10 have been installed/implemented on site.

PART F POST OCCUPATION

Community Communication Strategy

- F1. 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 Management Plan

- F2. The Applicant must implement the OMP approved under Schedule 3 condition E22 for the life of the development.
- F3. The OMP must be reviewed every year after commencement of operation and updated with additional mitigation and management measures to respond to complaints received. A copy of the reviewed and updated OMP must be submitted to the Planning Secretary and Council for the first three years of operation, for information.

Operational Transport and Access Management Plan (OTAMP)

- F4. The OTAMP(s) approved under Schedule 3 condition E12 (as revised from time to time) must be implemented by the Applicant for the life of the development.

Operational Noise Limits

- F5. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the *SSDA Acoustic Assessment – Concept Approval and Stage 1 Works* prepared by Acoustic Logic Pty Ltd dated 25 October 2023.
- F6. Short term operational noise monitoring must be:
- (a) carried out within four months of student enrolment reaching 2850;
 - (b) carried out during school term during operational hours on a typical school day(s); and
 - (c) undertaken by an appropriately qualified person in accordance with the Noise Policy for Industry (EPA, 2017) or any latest version where valid data is collected.
- F7. The resultant monitoring report, prepared by the appropriately qualified person, must be submitted to the Planning Secretary within 5 months of commencement of use of the school and the associated open spaces, to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the *SSDA Acoustic Assessment – Concept Approval and Stage 1 Works* prepared by Acoustic Logic Pty Ltd dated 25 October 2023.
- F8. Should the noise monitoring program required by Schedule 3 condition F6 identify any exceedance of the recommended noise levels referred to above, the Applicant must 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

- F9. 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 (GTP)

- F10. The GTP required by Schedule 3 condition E11 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Outdoor Lighting

- F11. Notwithstanding Schedule 3 condition C10, 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

- F12. All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development.
- F13. The illumination of signage must be switched off between 6pm and 7am, unless otherwise agreed by the Planning Secretary.
- F14. The lighting to be used in connection with approved signage including the LED screen must comply with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting*.

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 \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation 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 Design and Traffic Facilities

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

Road Occupancy Licence

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

SafeWork Requirements

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

Hoarding Requirements

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

Handling of Asbestos

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

Speed limit authorisation

AN12. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs, if changes are required:

- (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

AN13. 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.

Sydney Water – Building Plan Approval

AN14. The approved plans must be submitted to the Sydney Water Tap in TM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

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 through the major projects portal 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 A29 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.