

# Development Consent

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

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, determines:

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3; and
- (b) that pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979*, any subsequent stage of the development not being for the purpose of an educational establishment comprising alternations and additions to an existing school with a capital investment value in excess of \$20 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, 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.



**Adrian Pilton**  
Member of the Commission



**Wendy Lewin**  
Member of the Commission



**Juliet Grant**  
Member of the Commission

Sydney

21 October 2021

### SCHEDULE 1

<b>Application Number:</b>	SSD 8996
<b>Applicant:</b>	Loreto Normanhurst
<b>Consent Authority:</b>	Independent Planning Commission
<b>Site:</b>	4, 6, 14, 16, 30-62, 24-28 Mount Pleasant Avenue, 89 and 91-93 Pennant Hills Road, Normanhurst  Lot 5 DP 1218765, Lot 16 DP 6612, Lots 20-23 and 25-36 DP 6612, Lot 1 DP 34834, Lot 1 DP 114580, Lot 3 DP 1217496, Lot 1 - Lot 3 DP 1218765, Lot B DP327538, Lot 1 DP 809066, Lot C DP 366271, Lot D DP 366271, Lot 4 DP1218765, Lot 1 DP136156.
<b>Development:</b>	Concept development application for the redevelopment of Loreto Normanhurst School including:

#### Concept Proposal:

- earthworks and demolition of buildings, structures and trees;
- 10 building envelopes for new and extended buildings for a boarding accommodation building, extensions to the senior and primary schools, gymnasium, performing arts centre and three car parks and sports facilities;
- a staged increase of 850 students and 71 staff;
- a through site road, up to 236 additional car parking spaces, five pick-up/drop-off spaces, two bus bays and bicycle parking; and
- landscape masterplan.

#### Stage 1 Works:

- earthworks and demolition of buildings, structures, removal of 105 trees, landscaping and temporary relocation of the uniform office;
- staged construction of:
  - a two to five storey boarding accommodation building for 216 students (125 rooms) and two 3-bedroom staff apartments;
  - two single storey car parks with sports courts at roof level, amendment of existing parking areas and an increase of 123 parking spaces;
  - a through site road, five pick-up/drop-off spaces, two bus bays and bicycle parking;
  - a stand-alone electrical substation;
- staged increase of 500 students; and
- hard and soft landscaping works including expansion of the existing oval.

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Loreto Normanhurst or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Concept Proposal</b>	Has the same meaning as 'Concept Proposal' described in <b>Schedule 1</b>
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 (Concept Proposal) and 3 (Stage 1 Works) of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	Hornsby Shire Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS, RtS and SRtS, as modified by the conditions of this consent.

<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled 'Environmental Impact Statement Loreto Normanhurst', prepared by Ethos Urban dated 18 June 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>Emergency Vehicle</b>	A vehicle that is used by emergency services to respond to an incident, including ambulances, police vehicles and fire trucks
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>GFA</b>	Gross Floor Area
<b>GTP</b>	Green Travel Plan
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in the RtS.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>

<b>Minister</b>	NSW Minister for Planning and Public Spaces and Minister for Transport and Roads (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>NSW RFS</b>	New South Wales Rural Fire Service
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Qualified Arborist</b>	An Arborist holding an Australian Qualification Framework Level 5 qualification at a minimum
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>RtS</b>	The response to submissions titled ' <i>Response to Submissions and Amended Concept Proposal and Stage 1 Application</i> ' prepared by Ethos Urban and dated 08 February 2021.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>SRtS</b>	The Supplementary response to submissions titled ' <i>Loreto Normanhurst Concept Plan and Stage 1 Works – SSDA 8996 Response to Submissions</i> ' prepared by Ethos Urban and dated 19 May 2021 including the additional information titled ' <i>Loreto Normanhurst Concept Plan and Stage 1 Works – SSDA 8996 Request for Information</i> ' prepared by Ethos Urban and dated 20 July 2021
<b>Staff</b>	Means full time equivalent staff
<b>Stage 1 Works</b>	The first stage of the development
<b>TfNSW</b>	Transport for New South Wales
<b>Upgrading</b>	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation.
<b>VENM</b>	Virgin Excavated Natural Material

<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

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

**Determination of Future Development Applications**

- A1. In accordance with Section 4.22 of the EP&A Act, all development under the Concept proposal must be the 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) is to be generally consistent with the terms of development consent SSD-8996 as described in Schedule 1 and subject to the conditions in Schedule 2 Part A.

**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;
  - (c) in accordance with the EIS, RtS and SRtS; and
  - (d) in accordance with the approved plans in the table below (as amended by the conditions in Schedule 2 Part A).

<b>Concept Drawings by <i>Allen Jack + Cottier Architects</i></b>			
<b>Drawing No.</b>	<b>Rev</b>	<b>Title</b>	<b>Date</b>
A0002	7	PROPOSED BUILDING ENVELOPE SITE PLAN	08/12/2020
A0003	8	STAGE 1 WORKS	19/05/2021
A0004	6	INDICATIVE EXTENT OF FUTURE ENVELOPES	08/12/2020
A0005	7	SITE ELEVATIONS	08/12/2020
A0006	7	SITE ELEVATIONS	08/12/2020
A0007	7	SITE SECTIONS	08/12/2020
A0008	7	SITE SECTIONS	08/12/2020
A0010	5	OVERALL 3D VIEW – STAGE 1 ENVELOPES	04/12/2019
A0011	4	OVERALL 3D VIEW – FUTURE PROJECTS	04/12/2019
A0029	3	3D NORTH EAST – DEMOLITION	08/12/2020
A0031	3	3D NORTH EAST – REVISED ENVELOPES FUTURE	08/12/2020
A0034	3	3D NORTH WEST – DEMOLITION	08/12/2020
A0036	3	3D NORTH WEST – REVISED ENVELOPES FUTURE	08/12/2020
A0039	3	3D SOUTH EAST – DEMOLITION	08/12/2020
A0041	3	3D NORTH EAST – REVISED ENVELOPES FUTURE	08/12/2020
A0044	3	3D SOUTH WEST – DEMOLITION	08/12/2020
A0046	3	3D SOUTH WEST – REVISED ENVELOPES FUTURE	08/12/2020
<b>Concept landscape drawings by <i>Oculus</i></b>			
<b>Drawing No.</b>	<b>Rev</b>	<b>Titled</b>	<b>Dated</b>
L02	A	Masterplan Final	23/02/21

- 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 (a) above.
- 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. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 2 condition A3, 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, described in Schedule 1 of this development consent, have physically commenced.
- A7. This consent 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 (other than the Stage 1 works that is subject to the conditions of consent in Schedule 3).
- A8. This consent does not allow for the provision of two tennis courts adjoining the Principal's Residence, 54 Mount Pleasant Avenue, Lot 32 DP 6612.
- A9. This consent does not allow for any works, removal of, or damage to, the Loreto Normanhurst Cemetery.
- A10. This consent does not allow the installation or display of new external signage at the site.

#### **Building envelopes and heights permitted by this consent**

- A11. The following components of Building Envelope 2 (identified in the drawings listed in Schedule 2 condition A3) are not permitted by this consent and must be deleted from the relevant drawings listed in Schedule 2 condition A3:
- (a) any section of the Birrane Wing component of Building Envelope 2 higher than RL 205.93m (i.e. the maximum height to be restricted to this specified RL);
  - (b) any section of the Deirdre Rolf Centre component of Building Envelope 2 higher than RL 202.93m (i.e. the maximum height is restricted to this specified RL); and
  - (c) any section of the two-storey building envelope connecting the Birrane Wing to the Deirdre Rolf Centre (shown as dark orange on drawing A0002, revision 7) higher than RL 202.93m (i.e. the maximum height is restricted to this specified RL).

#### **Legal Notices**

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

#### **Planning Secretary as Moderator**

- A13. 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, to the extent to which the Planning Secretary has power under the EP&A Act.

#### **Student and Staff Numbers**

- A14. The maximum student and staff population permitted at the school at any one time must not exceed 2000 students and 325 staff, comprising an increase of:
- (a) 500 additional students (from 1150 to 1650) and 36 additional staff (from 254 to 290) within Stage 1 subject to the requirements of Schedule 3 condition A8; and



- (b) 350 additional students (from 1650 to 2000) and 35 additional staff (from 290 to 325) within the subsequent stage(s) after the completion and operation of 236 on-site car spaces within the site or an alternative on-site car parking number determined in accordance with the requirements of Schedule 2 condition B17 and subject to the satisfaction of the consent authority.

## PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

### Amendments to Concept Proposal Building Envelope 2

- B1. At least 2 months prior to the lodgement of any future development application(s) relating to Building Envelope 2, revised plans must be submitted to the satisfaction of the Planning Secretary demonstrating compliance with the requirements in Schedule 2 condition A11.

### Maximum Building Envelope Heights and Gross Floor Area Controls

- B2. 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 as amended by Schedule 2 condition A11.
- B3. Future development application(s) associated with the Concept proposal must demonstrate that the maximum achievable gross floor area (GFA) for all proposed buildings, within the approved building envelopes in this development consent, do not exceed the maximum GFA as summarised in the following table:

Building Envelopes	Maximum GFA
Envelope 1 – boarding accommodation	4845m <sup>2</sup>
Envelope 2 – senior school	4436m <sup>2</sup>
Envelope 4 – primary school	9000m <sup>2</sup>
Envelope 5 – Mary Ward building	400m <sup>2</sup>
Envelope 6 – gymnasium	3800m <sup>2</sup>
Envelope 7 – Gonzaga Barry Performing Arts Centre	2200m <sup>2</sup>
Envelope 8 – P3A Osborn Road car park and sports field	0m <sup>2</sup>
Envelope 12 – pedestrian link building	450m <sup>2</sup>
Envelope 13 – P4A multi-sport court car park	0m <sup>2</sup>
Envelope 14 – P1A tennis court car park	0m <sup>2</sup>
<b>Total</b>	<b>25,131m<sup>2</sup></b>

**Note:** GFA and building height are to be measured in accordance with the definitions under Hornsby Local Environmental Plan 2013.

### Built Form and Urban Design

- B4. Future development application(s) associated with the Concept proposal must include:
- detailed plans, elevations and sections;
  - artist's perspectives / photomontages; 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 4 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.
- B5. Future development application(s) associated with the Concept proposal must include an Access Report, prepared by a suitably qualified consultant, demonstrating that the development achieves an appropriate degree of accessibility in accordance with the Disability (Access to Premises – buildings) Standards 2010.
- B6. Future development application(s) associated with the Concept proposal must include a Crime Prevention Through Environmental Design (CPTED) report, prepared by a suitably qualified consultant, including method(s) / treatment(s) to ensure that all buildings, spaces and places within and around the development are safe and secure and the opportunity for crime has been minimised in accordance with CPTED principles.

## **Amenity**

- B7. Future development application(s) associated with the Concept proposal must include an assessment of amenity impacts including solar access (incorporating detailed overshadowing diagrams), visual privacy and light spill (including a lighting plan).

## **Community Use**

- B8. Future development application(s) associated with the Concept proposal must clarify whether there are any new arrangements or change 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.

## **Trees and Landscaping**

- B9. Future development application(s) associated with the Concept proposal must include a detailed Arboricultural Impact Assessment (AIA) assessing existing trees, proposed tree retention and removal (including justification), tree significance (including heritage significance), tree replacements, tree protection and any required management and mitigation measures.
- B10. Future development application(s) associated with the Concept proposal must include an assessment of impact of the development on the surrounding biodiversity along with suitable mitigation and management measures.
- B11. 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.

## **Heritage**

- B12. Future development application(s) associated with the Concept proposal for demolition and/or detailed design of buildings must include a detailed Heritage Impact Statement, prepared by a suitably qualified consultant, that considers the heritage impact of the development.
- B13. Future development application(s) that include (or impact) heritage buildings, spaces and gardens must include:
- (a) detailed plans and elevations showing original fabric and building phases;
  - (b) full justification of any significant fabric to be modified or removed;
  - (c) Schedule of Conservation Works for original fabric to be retained and the timing of the conservation works relative to other construction;
  - (d) details of heritage impact management and mitigation measures;
  - (e) confirmation of archival recording of significant fabric and spaces;
  - (f) interpretation plans based on a heritage interpretation strategy where appropriate; and
  - (g) assessment of heritage tree loss as a result of the Concept proposal and the acceptability of specific mitigation strategies.

## **Traffic and Transport**

- B14. Future development application(s) associated with the Concept proposal must be accompanied by a Traffic Impact Assessment (TIA), prepared by a suitably qualified consultant, that assesses the traffic, transport and pedestrian impacts on the road and footpath networks and nearby intersection capacity. The TIA must also address:
- (a) traffic generation impact and any necessary road infrastructure upgrades to adjoining and nearby roads and intersections;
  - (b) vehicle and pedestrian safety within and around the site;
  - (c) loading / unloading and servicing;

- (d) capacity, operation and access of pick-up / drop-off facilities;
- (e) on-site car parking provision, location, access and operation;
- (f) the impact of the removal of any existing on-street car parking spaces; and
- (g) pedestrian and bicycle infrastructure and facilities.

B15. 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 GTP established by the Stage 1 Works (as updated at that time) which identifies opportunities to maximise and encourage sustainable transport choices for future students, staff and visitors.

### **Car and Bicycle Parking**

B16. Future development application(s) associated with the Concept proposal must demonstrate 236 additional on-site car parking spaces are provided in accordance with the latest version of the Australian Standards, comprising:

- (a) 123 additional car parking spaces provided as part of the Stage 1 Works; and
- (b) 113 additional car parking spaces provided within Envelope 8 P4A Osborn Road car park.

B17. Notwithstanding Schedule 2 condition B16, less than 236 additional on-site car parking spaces may be permitted under future development application(s) if the consent authority is satisfied that:

- (a) the Applicant has provided a Transport Impact Assessment, prepared by a suitably quality consultant, which demonstrates that the reduced number of car parking spaces would meet the demand for the number of students and staff using private vehicles to travel to the site through evidence such as a travel mode survey and effectiveness of the Stage 1 GTP; and
- (b) the reduced car parking rate aligns with the mode share target set out in the GTP required by Schedule 2 condition B15.

B18. Future development application(s) associated with the Concept proposal must provide for bicycle parking and end of trip facilities in accordance with the Hornsby Development Control Plan 2013 requirements and in accordance with the latest version of the relevant Australian Standards.

### **Ecologically Sustainable Design and Environmental Performance**

B19. 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.

B20. 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.

### **Operational Noise and Vibration**

B21. Future development application(s) associated with the Concept proposal must be accompanied by a Noise and Vibration Impact Assessment (NVIA), 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; and
- (b) 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.

### **Operational Waste**

- B22. Future development application(s) associated with the Concept proposal must include an Operational Waste Management Plan (OWMP), 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.

### **Flooding and Stormwater Assessment**

- B23. 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 management and mitigation measures and emergency response plan(s) (if required).

### **Bushfire Assessment**

- B24. Future development application(s) associated with the Concept proposal must include a bushfire and emergency assessment, prepared by a suitably qualified consultant, and in accordance with the requirements of Planning for Bushfire Protection 2019 (or any updated version).

### **Archaeology and Aboriginal Cultural Heritage Assessment**

- B25. Future development application(s) associated with the Concept proposal must include appropriate assessment of impacts of that stage of the development on Aboriginal and non-Aboriginal heritage values of the site, prepared by suitably qualified consultants.

### **Utilities**

- B26. Future development application(s) associated with the Concept proposal must include a Utility Services Infrastructure Assessment (USIA), prepared by a suitably qualified consultant, which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure. The USIA must be prepared in consultation with relevant agencies and service providers and must also consider any heritage impacts and any impacts on existing trees.

### **Structure**

- B27. 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.

### **Construction Impact Assessment**

- B28. Future development application(s) associated with the Concept proposal must include a Construction 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 Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with Transport for NSW (TfNSW), 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 Impact Assessments (CNVMP) 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;
  - (c) Community Consultation and Engagement Plans;
  - (d) Construction Waste Management Plan; and
  - (e) Geotechnical Assessment Report, which details proposed excavation and management and mitigation measures.

## **Contamination**

- B29. Future development application(s) associated with the Concept proposal for demolition, excavation and/or detailed designs of new / extended buildings must be accompanied by a Detailed Site Investigation Report, including 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 No. 55 – Remediation of Land*.

**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 SRtS; and
- (d) in accordance with the approved plans in the table below (as may be amended by the conditions in Schedule 3 Part A):

<b>Architectural drawings prepared by <i>Allen Jack+Cottier</i></b>			
<b>Dwg No.</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
S1-003	3	Demolition Works – Stage 1	18/05/2021
S1-004	3	Stage 1 Works	18/05/2021
A0003	8	Stage 1 Works	19/05/2021
DA0001	A	Cover Sheet	08/12/2020
DA1001	A	Extent of Boarding House Stage 1 Works	08/12/2020
DA1002	1	Stage 1 Site Plan	20/11/2020
DA2000	B	Basement Plan	26/04/2021
DA2001	A	Level 1 Plan	08/12/2020
DA2002	A	Level 2 Plan	08/12/2020
DA2003	A	Level 3 Plan	08/12/2020
DA2004	A	Level 4 Plan	08/12/2020
DA2005	B	Roof Plan	26/04/2021
DA3101	A	Elevations 1	08/12/2020
DA3102	A	Elevations 2	08/12/2020
DA3103	A	Sections	08/12/2020
DA4101	A	Materials Board	08/12/2020
DA4202	A	Room Types	08/12/2020
DA1001	B	Project Scope_P1A	02/07/2021
DA1100	B	Demolition Plan_P1A	02/07/2021
DA2000	B	Lower Level Plan_P1A	02/07/2021
DA2001	B	Upper Level Plan_P1A	02/07/2021
DA3101	B	Elevations_P1A	02/07/2021
DA3102	B	Elevations (No Trees)_P1A	02/07/2021
DA3200	B	Sections P1A	02/07/2021
DA3201	B	Sections (No Trees)_P1A	02/07/2021
DA3300	B	Materials Board_P1A	02/07/2021
DA1001	A	Project Scope_P4A	08/12/2020
DA1100	A	Demolition Plan_P4A	08/12/2020

DA2000	A	Lower Level Plan_P4A	08/12/2020
DA2001	A	Upper Level Plan_P4A	08/12/2020
DA3100	A	Elevations_P4A	08/12/2020
DA3101	A	Elevations (No Trees)_P4A	08/12/2020
DA3200	A	Sections_P4A	08/12/2020
DA3201	A	Sections (No Trees)_P4A	08/12/2020
DA3300	A	Materials Board_P4A	08/12/2020
SSDA-RTS	A	Boarding House Schedule	23/03/2021
<b>Landscaping drawings prepared by <i>Oculus</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L-001	A	Masterplan Stage 1	23/02/2021
L-004	C	Proposed Vehicular & Pedestrian Masterplan	16/07/2021
L-005	C	Stage 1 Concept Masterplan	16/07/2021
L-006	C	Stage 1 Key Plan	16/07/2021
L-100	C	Tree Protection & Removal Plan	16/07/2021
L-101	C	Mary Ward Courtyard Tree Retention & Removal Plan	16/07/2021
L-102	C	Ground Floor Zoning Plan	16/07/2021
L-103	C	Roof Level Zoning Plan	16/07/2021
L-104	C	Zoning Design Intent	16/07/2021
L-105	C	Ground Floor Landscape	16/07/2021
L-106	C	Ground Floor Landscape	16/07/2021
L-200	C	Ground Floor Landscape Key Plan	16/07/2021
L-201	C	Mary Ward Landscape Key Plan	16/07/2021
L-202	C	Detail Plan 01 Proposed Landscape Design	16/07/2021
L-203	C	Detail Plan 02 Proposed Landscape Design	16/07/2021
L-204	C	Detail Plan 03 Proposed Landscape Design	16/07/2021
L-205	C	Detail Plan 04 Proposed Landscape Design	16/07/2021
L-206	C	Detail Plan 05 Proposed Landscape Design	16/07/2021
L-207	C	Detail Plan 06 Proposed Landscape Design	16/07/2021
L-400	C	Fence Arrangement Plan	16/07/2021
L-401	C	Fence Arrangement Plan	16/07/2021
L-501	C	Planting Images	16/07/2021
L-502	C	Planting Images	16/07/2021
L-503	C	Deep Soil Plan	16/07/2021
L-504	C	Deep Soil Plan	16/07/2021
L-505	C	Boarding House Tree Planting Plan	16/07/2021
L-506	C	Mary Ward Tree Planting Plan	16/07/2021
L-507	C	Maintenance	16/07/2021
1.2	-	Revised Stage 1 Master Plan	July 2021
1.3	-	Final Master Plan	July 2021
1.4	-	Proposed Works	July 2021
1.5	-	Access Strategy	July 2021
1.6	-	Tree Canopy Cover	July 2021
2.2	-	Tree Removal + Retention Osborn Rd Entrance	July 2021
2.3	-	Tree Retention + Removal Car Park 1A	July 2021
2.4	-	Tree Retention + Removal Car Park 4A	July 2021



2.5	-	Tree Retention + Removal Site Through Link (4 Mount Pleasant Ave)	July 2021
2.6	-	Tree Retention + Removal Car Park 3A	July 2021
3.1	-	Landscape Zones	July 2021
3.2	-	Landscape Zoning – Design Intent	July 2021
3.3	-	Osborn Rd Entrance	July 2021
3.4	-	Osborn Rd – Corner Retaining Wall Concept	July 2021
3.5	-	Main Pedestrian Entrance + Accessible Path	July 2021
3.6	-	Car Park 1A – Tennis Courts	July 2021
3.7	-	New Open Space/Indigenous Garden	July 2021
3.8	-	Shade Shelter Concept	July 2021
3.9	-	Link to Mt Pleasant Ave	July 2021
3.10	-	Car Park 4A – Basketball Court	July 2021
3.11	-	Car Park 3A – PUDO	July 2021
3.12	-	Shade Shelter Concept	July 2021
4.1	-	Osborn Rd – Corner Upgrade Section	July 2021
4.2	-	Section 1 – Osborn Rd Interface	July 2021
4.3	-	Section 2 – Pennant Hills Rd Interface	July 2021
L200	A	Ground Floor Site Plan	17/12/2020
L201	A	Ground Floor Site Plan	17/12/2020
L202	A	Ground Floor Site Plan	17/12/2020
L203	A	Ground Floor Site Plan	17/12/2020
L204	B	Ground Floor Site Plan	14/07/2021
L205	A	Ground Floor Site Plan	17/12/2020
L206	A	Ground Floor Site Plan	17/12/2020

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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;
  - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Schedule 3 condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 3 condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **Limits of Consent**

- A5. This consent lapses five years after the date of consent unless work is physically commenced within the meaning of section 4.53(4) of the EP&A Act.

#### **Student and Staff Numbers**

- A6. A maximum school population of 1650 students (500 additional students) and 290 (36 additional) staff are permitted at the school at any one time as part of Stage 1 works.
- A7. A maximum of 216 students (enrolled at the school) are permitted as boarders within the Boarding Accommodation at any one time as part of the Stage 1 works.

- A8. Notwithstanding Schedule 2 condition A6:
- (a) the increase in student and staff population must be staged in accordance with the specified maximum population listed for each substage in the amended staging plan required by Schedule 3 condition B1;
  - (b) no increase in student numbers is permitted unless the five additional drop-off/pick-up spaces, the through site road and two additional bus bays are constructed and operational on the site; and
  - (c) the sequential increase in the student and staff population for the relevant substage must only occur once evidence is provided to the satisfaction of the Certifier demonstrating that the specified transport infrastructure for the relevant substage has been completed in accordance with the amended staging plan required by Schedule 3 condition B1.

### **Staging**

- A9. 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).
- A10. A Staging Report prepared in accordance with Schedule 3 condition A9 must:
- (a) be generally consistent with the construction staging plan detailed in '*Loreto Normanhurst School Redevelopment (Concept and Stage 1 DA) – SSD 8996 Staging Plan*', prepared by Ethos Urban and dated 19 May 2021 as amended by Schedule 3 condition B1;
  - (b) demonstrate that the student / staff number increase, car parking numbers, pick-up / drop-off facilities would be provided in accordance with the approved staging plan, as amended by Schedule 3 condition B1;
  - (c) demonstrate the four existing pick-up/drop-off spaces next to the Gonzaga Barry building and accessed from Osborn Road would not be removed and would remain in operation until the five new pick-up/drop-off spaces and associated infrastructure have been constructed and are operational;
  - (d) set out how the construction of the whole of Stage 1 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;
  - (e) set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (f) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (g) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

### **Staging, Combining and Updating Strategies, Plans or Programs**

- A13. 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).
- A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A15. 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.
- A16. 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.

#### **Prescribed Conditions**

- A17. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### **Planning Secretary as Moderator**

- A18. 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, to the extent to which the Planning Secretary has power under the EP&A Act.

#### **Evidence of Consultation**

- A19. 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.

#### **Structural Adequacy**

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

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

#### **External Walls and Cladding**

- A21. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## **Design and Construction for Bush Fire and Emergency Vehicle Access**

- A22. Water, electricity and gas must comply with sections 4.1.3 and 4.2.7 of *Planning for Bush Fire Protection 2006* (or any other updated version).
- A23. Landscaping to the site must comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006* (or any other updated version) and must ensure that the compliance with this provision does not result in removal of additional trees apart from that permitted by this development consent.
- A24. A Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.
- A25. Emergency vehicle access must continue to be provided onto the sports fields from Mount Pleasant Avenue and/or Osborn Road.

## **Applicability of Guidelines**

- A26. 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.
- A27. 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**

- A28. 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**

- A29. 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.

### **Compliance**

- A30. 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**

- A31. 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.
- A32. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

### **Non-Compliance Notification**

- A33. 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.
- A34. 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.
- A35. 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**

- A36. Within three months of:
  - (a) the submission of a compliance report under Schedule 3 condition A38;
  - (b) the submission of an incident report under Schedule 3 condition A32;
  - (c) the submission of an Independent Audit under Schedule 3 condition D37;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under Schedule 3 condition A2 which requires a review,

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

- A37. 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**

- A38. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- A39. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.

- A40. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A41. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

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

**Amendments to staging of student and staff increases and transport infrastructure / facilities**

B1. Prior to the issue of any construction certificate in relation to Stage 1, a revised staging plan must be prepared and submitted to the satisfaction of the Planning Secretary. The revised staging plan must incorporate all substages, associated maximum permitted student and staff numbers and the required transport infrastructure as listed in the table below:

Substage	Maximum permitted student population	Maximum permitted staff population	Pick-up / Drop-off spaces	Transport infrastructure to be provided				
				On-site car parking spaces			Bus spaces	Bicycle spaces
				School	Boarding	ELC		
<b>No. 1:</b> <ul style="list-style-type: none"> <li>Reconfigure P3A Osborn Road carpark.</li> <li>Hard and soft landscaping.</li> </ul>	1,150	254	6	214	0	10	2	5
<b>No. 2:</b> <ul style="list-style-type: none"> <li>Construct through site road including 3 pick-up/drop-off spaces.</li> <li>Hard and soft landscaping.</li> </ul>	1,250 (upon completion of through site road including 3 pick-up / drop-off spaces)	254	9	214	0	10	2	36
<b>No. 3 (additional substage):</b> <ul style="list-style-type: none"> <li>Reconfigure P2 Admin / Chapel and Pennant Hills carparks.</li> <li>Demolish existing tennis courts and sheds.</li> <li>Construct P1A Tennis Court carpark including two new tennis courts.</li> <li>Hard and soft landscaping.</li> </ul>	1,250	254	5	233	0	10	4	36

<b>No. 4:</b> <ul style="list-style-type: none"> <li>Relocate uniform shop.</li> <li>Demolish Loreto Community House and associated buildings.</li> <li>Construct boarding accommodation building.</li> <li>Reconfigure P4 Primary carpark.</li> <li>Hard and soft landscaping.</li> </ul>	1,250	254	5	214	32	10	4	51
<b>No. 5:</b> <ul style="list-style-type: none"> <li>Demolish 3 multi-purpose courts / structures.</li> <li>Construct P4A Multi-purpose carpark including three new multi-purpose courts.</li> </ul>	1,400	266	5	278	32	10	4	57
<b>No. 6:</b> <ul style="list-style-type: none"> <li>No physical works (except for provision of 10 bicycle parking spaces).</li> </ul>	1,650	290	5	278	32	10	4	67

### Design Amendments

- B2. Prior to the issue of any construction certificate for Stage 1, the approved architectural and landscape plans listed in Schedule 3 condition A2 relating to the boarding accommodation building must be amended to incorporate the following changes to the design of the boarding accommodation building to the satisfaction of the Planning Secretary:
- the at-grade waste collection area including associated hard stand areas and separate driveway must be deleted and the existing trees in this location (Tree Nos. 227, 321, 323, 324, 328, 331, 335, 336 and 337 as identified on the landscape plans ) must be retained;
  - the design of the basement must be amended to enable the trees listed in (a) above to be retained;
  - the waste collection area must be relocated to the basement;
  - the design of the basement, including ceiling clearance and turning circle, must be redesigned to enable a waste collection vehicle to enter and exit the basement in a forward direction;
  - the redesigned basement required by (b) above must not result in the removal of any other existing trees; and
  - the tree identified as T195 on Landscape Drawing L-000, Revision C, prepared by Oculus and dated 16/07/21 must be retained through design mitigation and tree protection measures to allow for access and retention of the existing tree.
- B3. Prior to the issue of any construction certificate for Stage 1, the approved architectural and landscape plans listed in Schedule 3 condition A2 relating to the P3A Osborn Road carpark must be amended to incorporate the following changes to the design of the P3A Osborn Road carpark to the satisfaction of the Planning Secretary:



- (a) existing tree nos. T413 to T420 and T472 as identified on the landscape plans must be retained;
- (b) the tandem car parking spaces from the western (Osborn Road) side to the eastern (oval side) of the carpark must be relocated or the carpark redesigned in another manner which results in the retention of the trees listed in (a) above as may be agreed to by the Planning Secretary.

### **Electrical Substation**

- B4. Prior to the issue of any construction certificate for Stage 1, the Applicant must submit detailed plans of the electrical stand-alone substation to the satisfaction of the Planning Secretary. The plans must:
- (a) demonstrate that service connections, cabling or associated works would not be located within Tree Protection Zone or Structural Root Zone of any existing trees;
  - (b) confirm appropriate tree protection measures to be implemented during construction (if required);
  - (c) demonstrate that the substation front is accessed from the existing Primary School car park driveway and does not include a new separate driveway connected to Mount Pleasant Avenue; and
  - (d) include details of landscaping around the substation to visually screen / reduce the visibility of the structure from Mount Pleasant Avenue.

### **Landscape Plans**

- B5. Prior to the issue of any construction certificate for Stage 1, the Applicant must prepare updated Landscape Plans, to the satisfaction of the Planning Secretary. The Landscape Plans must:
- (a) incorporate the design amendments in Schedule 3 conditions B2, B3 and B4;
  - (b) confirm the resulting tree canopy site coverage is no less than 42% of the site area (13.17 hectares);
  - (c) detail the location, species, maturity and height at maturity of plants to be planted on-site;
  - (d) include a majority of plants (trees, shrubs and groundcovers) endemic to the local area;
  - (e) include details to confirm that all trees to be planted on site will be advanced stock in containers of 200 litres or greater;
  - (f) include detailed design to demonstrate that the front setback of the boarding accommodation building (facing Mount Pleasant Avenue) includes canopy trees and minimal hard surfaces;
  - (g) include the provision of any nest boxes required by Schedule 3 condition D20; and
  - (h) comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006* (or any other updated version).

### **External Walls and Cladding**

- B6. Prior to the issue of the 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, 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.

### **BASIX**

- B7. Prior to the issue of a construction certificate for the boarding accommodation building, the Applicant must submit to the satisfaction of the Certifier evidence the staff apartments would be constructed in accordance with the BASIX Certificate no. 1194482M commitments. The BASIX Certificate must be submitted to the Certifier with all commitments clearly shown on

the Construction Certificate plans. An updated certificate must be issued if relevant design amendments are made.

### Stormwater Management

- B8. Prior to the issue of the relevant construction certificate that involves stormwater works, the Applicant must provide detailed design plans for an operational stormwater management system for that stage of the development, to the Certifier for approval. The system must:
- be designed by a suitably qualified and experienced person(s);
  - be generally in accordance with the conceptual design in the SRtS as listed in the table below (as amended by the conditions of this consent where applicable):

Civil Engineering Drawings prepared by <i>Taylor Thompson Whitting</i>			
Dwg No.	Issue	Name of Plan	Date
SKC000	P6	Notes and Legend Sheet	17/12/2020
SKC102	P4	Overall Siteworks Plan	17/12/2020
SKC103	P7	Siteworks Plan Sheet 1 (Basement and Level 01)	17/12/2020
SKC104	P5	Siteworks Plan Sheet 2 (Level 02 and 03)	17/12/2020
SKC105	P5	Siteworks Plan Sheet 3 (Level 02 and 03)	17/12/2020
SKC200	P1	Notes and Legend Sheet	17/01/2019
SKC202	P2	Siteworks Concept Plan	11/01/2019
SKC203	P2	Catchment Plan	11/01/2019
C300	P5	Cover, Notes and Legend	02/06/2021
C310	P7	Siteworks & Pavement Plan Sheet 1 and Sections	23/06/2021
C311	P7	Siteworks & Pavement Plan Sheet 2	23/06/2021
C315	P4	Typical Cross Sections and Longitudinal Sections	02/06/2021
C330	P5	Details Sheet 1	02/06/2021
C331	P1	Details Sheet 2	02/06/2021
C410	P4	Siteworks & Pavement Plan	02/06/2021
C510	P4	Siteworks and Pavement Plan	17/12/2020
C530	P3	Details Sheet	17/12/2020

- be in accordance with applicable Australian Standards;
  - include details of the on-site detention system and water sensitive urban design measures as required by the conditions of this development consent;
  - ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines; and
  - be designed for an average recurrence interval (ARI) of 20 years and be gravity drained and connected to an existing Council piped drainage system.
- B9. Prior to the issue of the relevant construction certificate, the Applicant must design an on-site stormwater detention system for the development and submit it to the Certifier for approval. The system must:
- be designed by a suitably qualified and experienced person(s);
  - have a capacity of not less than 115 cubic metres (m<sup>3</sup>), and a maximum discharge (when full) of 114 m<sup>3</sup> per second;
  - have a surcharge/inspection grate located directly above the outlet;
  - ensure the discharge from the detention system is controlled via 1 metre (m) length of pipe, not less than 150mm diameter or via a stainless plate with sharply drilled orifice

- bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved / existing Council drainage system; and
- (e) ensure that where above ground and the average depth is greater than 0.3m, a 'pool type' safety fence and warning signs are installed.

B10. Prior to the issue of the relevant construction certificate that involves stormwater works that would result in any change to existing stormwater drainage on Pennant Hills Road, detailed design plans and hydraulic calculations of the stormwater drainage system must be submitted to and be endorsed by TfNSW. Evidence of such endorsement must be provided to the Certifier prior to the issue of the construction certificate for those stormwater management works.

*Note: plans are to be submitted to Development.Sydney@rms.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.*

- B11. Prior to the issue of the relevant construction certificate, a Water Sensitive Urban Design (WSUD) Strategy must be submitted to the Certifier for approval. The WSUD Strategy must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be peer-reviewed and certified by a qualified hydraulic engineer;
  - (c) include the recommended water quality devices and targets contained within the Civil Engineering Report and plans prepared by Taylor Whitting Consulting Engineers, dated 17 December 2020, including (but not limited to):
    - (i) 100kL rainwater tank;
    - (ii) vegetated swale/s;
    - (iii) gully pit insert / baskets designed to capture pollution prior to it running into stormwater drains; and
    - (iv) storm filter cartridges or equivalent;
  - (d) comply with the water quality targets set out in the Hornsby Development Control Plan 2013; and
  - (e) be supported by a MUSIC model.

#### **Operational Noise – Design of Mechanical Plant, Equipment and School Bell / PA System**

B12. Prior to the issue of the relevant construction certificate for the design of mechanical plant / equipment and school bell / PA system, the Applicant must incorporate appropriate noise mitigation measures into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Construction and Operational Noise Assessment prepared by Wilkinson Murray and dated 16 December 2020.

#### **Operational Waste Storage and Collection**

B13. Prior to the issue of the relevant construction certificate for the operational waste storage and collection areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a private contractor, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

#### **Public Domain Works**

- B14. Prior to the issue of the relevant construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.
- B15. Separate construction certificate applications under the provisions of section 138 of the Roads Act 1993 must be submitted with the relevant road authority (Council / TfNSW as relevant) for works within their land or public reserves including new vehicular crossings.

- B16. Public domain works relating to Council property must be designed in accordance with AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) and comply with the following requirements:
- (a) any damaged footpath, kerb, gutter and stormwater drainage pits and pipes as a result of the development must be reconstructed;
  - (b) the land adjoining the footpath must be fully turfed;
  - (c) any public utility adjustments must be carried out at the cost of the applicant and to the requirements of the relevant public authority;
  - (d) any damaged road pavement, as a result of the development, must be saw cut a minimum of 600 mm from the existing edge of the bitumen and reconstructed; and
  - (e) the submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

#### **Operational Car Parking, Access, Drop-off/Pick-up and Service Vehicle Layout**

- B17. Prior to the issue of the relevant construction certificate, evidence must be submitted to the satisfaction of the Certifier that the proposed access, parking and servicing arrangements comply with the following requirements:
- (a) adequate number of car spaces are provided in each substage in accordance with Schedule 3 condition B1;
  - (b) amendments to the car parking layout are in accordance with Schedule 3 condition B3;
  - (c) new and amended car parking spaces are designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - (d) the basement access to the boarding accommodation building is designed to accommodate the turning path of a 6.5m medium rigid truck;
  - (e) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2;
  - (f) design levels at the front boundary have been approved by Council;
  - (g) the driveway pavement complies with AS 3727 and is a minimum 3m wide;
  - (h) the pavement has a kerb to one side and a one-way cross fall with a minimum gradient of 2 percent and a lintel and pit provided at the low point;
  - (i) retaining walls required to support the carriageway and the compaction of all fill batters are designed in accordance with the requirements of a structural engineer;
  - (j) safety rails are provided where there is a level difference more than 0.3m and a 1:4 batter cannot be achieved;
  - (k) pedestrian grades steeper than 12.5% are provided with surface texturing, brushing or cleats to satisfy Class V: R11 ramps in accordance with Australian Standards AS 4586-2004 Clause 5.2; and
  - (l) longitudinal sections along centreline of the access driveway are provided in accordance with the relevant sections of AS 2890.1 to demonstrate that:
    - (i) the maximum grade does not exceed 1 in 4 (25%) with the maximum changes of grade of 1 in 8 (12.5%) for summit grades and 1 in 6.7 (15%) for sag grades;
    - (ii) any transition grades have a minimum length of 2m; and
    - (iii) the longitudinal sections incorporate the street cross-over design levels obtained from Council.

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

- B18. Prior to the issue of the relevant construction certificate, revised drawings showing the staged provision of a minimum of 67 additional bicycle parking spaces must be submitted to and approved by the Planning Secretary.
- B19. Prior to the issue of the relevant construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:

- (a) 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;
- (b) the provision of end-of-trip facilities for staff in accordance with the Hornsby Development Control Plan 2013.

### **Geotechnical – NorthConnex**

B20. Prior to the issue of the relevant construction certificate for excavation works, the developer must submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for endorsement (in accordance with Technical Direction GTD2012/001). The design drawings and documents must demonstrate the proposed Stage 1 works would have no impact to the NorthConnex tunnel and verify that any sub-basement does not encroach on the NorthConnex tunnel envelope.

**Note:**

- *All documents in relation to Schedule 3 condition B20 must be sent to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). The Applicant must pay the plan checking fee to TfNSW proper to endorsement of the plans.*
- *The geotechnical designer of the development will need to consult with the NorthConnex tunnel operators to obtain accurate mapping of the sub surface structure to confirm the area of influence in relation to the NorthConnex tunnel.*

## **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 or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Certified Drawings**

- C3. Prior to the commencement of construction for the relevant construction stage, 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.

### **Photographic Archival Recording**

- C4. Prior to any demolition and/or alteration works commencing on the site in Stage 1 on the site, archival photographic recordings must be undertaken for significant building fabric and spaces, as specified by a qualified heritage consultant. The archival recordings must specifically include a detailed account of internal and external components of the buildings / spaces and context photographs of the existing site as viewed from the street and its surroundings. A copy of the final recordings must be submitted to the Certifier and Council for information.

### **Pre-Construction Dilapidation Report – Protection of Public Infrastructure**

- C5. Prior to the commencement of 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 in the vicinity of 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 – Residential Properties**

- C6. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential buildings that are likely to be impacted by the relevant construction.
- C7. Where the offer for a pre-construction survey is accepted (as required by condition C6), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C8. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by 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.

## Development Contributions

- C9. Prior to the commencement of any construction works, a payment of a levy of 1% of the proposed cost of carrying out the development in Stage 1 must be paid to Council under section 7.12 of the EP&A Act.

**Note:** *There are approval requirements for imposing a condition under section 7.12 in respect of land within a special contributions area.*

## Community Communication Strategy

- C10. No later than two weeks before the commencement of any construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval and approved by the Planning Secretary prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

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

## Community Consultative Committee

- C11. Prior to the commencement of any construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2016). The CCC must begin to exercise functions in accordance with such guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following completion of construction.

**Notes:**

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

## Demolition

- C12. Prior to the commencement of any construction, 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 and Planning Secretary.

## Environmental Management Plan Requirements

- C13. 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).

**Notes:**

- *The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>*
- *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

**Construction Environmental Management Plan**

C14. 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;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by condition C10;
  - (viii) the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (condition C16);
- (c) Construction Noise and Vibration Management Sub-Plan (condition C17);
- (d) Construction Soil and Water Management Sub-Plan (condition C18);
- (e) Construction Waste Management Sub-Plan (condition C19);
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site;
- (i) details of location of protective fencing (exclusion fence) to protect the significant vegetation on the southern side of the site;
- (j) details to demonstrate that the proposed exclusion fence on the site would not impinge on species movement within and adjoining the site;
- (k) details of all mitigation and management measures to ameliorate impacts on flora and fauna during the construction works as indicated in the BDAR *Loreto Normanhurst Biodiversity Assessment Report* (version 6), prepared by Eco Logical Australia and dated 16 December 2020.

C15. 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.

C16. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council and TfNSW;
- (c) include details of predicted number of construction vehicle movements per day and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;



- (d) include assessment of potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (e) include details of any cumulative impacts due to ongoing construction works on nearby sites;
- (f) include the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services.
- (g) detail heavy vehicle routes, access and parking arrangements;
- (h) detail construction vehicle access arrangements and student / staff access to the site during construction works to ensure safe operation of the school at all times; and
- (i) no existing trees are to be removed to facilitate construction works that are not included in the list of trees permitted to be removed as part of this consent.

C17. 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) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
- (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (d) describe the measures to be implemented to ensure that the noise generated by the construction activities do not have adverse impacts on the ongoing operation of the school;
- (e) include details of respite measures to be implemented for high noise generating activities (exceeding 75DBA as measured at the sensitive receiver) including (but not limited to) measures such as:
  - works being undertaken in continuous blocks of no more than 3 hours, with at least a 1-hour respite between each block of work generating high noise impact at the identified sensitive receiver;
  - respite periods implemented during the day; and
  - elimination of high noise generating construction works during identified examination times;
- (f) include strategies that have been developed with the community for managing high noise generating works;
- (g) describe the community consultation undertaken to develop the strategies in condition C17(d);
- (h) include a complaints management system that would be implemented for the duration of the construction; and
- (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C13.

**Note:** the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.

C18. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:

- (a) be prepared by a suitably qualified expert, in consultation with Council;
- (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';

- (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (d) detail all off-Site flows from the Site; and
  - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, 1 in 5-year ARI.
- C19. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
  - (b) information regarding the recycling and disposal locations; and
  - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- C20. 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.

### **Soil and Water**

- C21. Prior to the commencement of construction, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP (Schedule 3 condition C18).

### **Construction Worker Transportation Strategy**

- C22. 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.

### **Biodiversity**

- C23. Prior to the commencement of any vegetation clearing, the number and classes of ecosystem credits (like-for-like) set out in the Biodiversity Assessment Method (BAM) Biodiversity Credit Summary Report contained in Appendix G of the *Loreto Normanhurst Biodiversity Assessment Report* (version 6), prepared by Eco Logical Australia and dated 16 December 2020 must be retired.
- C24. The requirement to retire credits in Schedule 3 condition C23 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem and species credits.
- C25. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition C24 must be provided to the Planning Secretary prior to carrying to commencement of any construction works.

### **Outdoor Lighting**

- C26. 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.

## **Ecologically Sustainable Development**

- C27. Prior to the commencement of construction for the relevant construction stage, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 5-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.
- C28. Prior to the commencement of construction for the relevant construction stage, the Applicant must engage a suitably qualified Green Star accredited professional to ensure the ESD measures indicated in the ESD SSDA Report prepared by ARUP and dated 7 January 2019 and the requirements of condition C27 are incorporated into the detailed design of the development.

## **Contamination**

- C29. 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. Evidence of the appointment of the Site Auditor must be provided to the Certifier prior to the commencement of construction.
- C30. Prior to the commencement of each construction substage specified in Schedule 3 condition A9 as amended by this development consent), the Applicant must conduct additional site investigations (where relevant to the substage) to confirm the full nature and extent of the contamination in accordance with Section 4 'Data Gap Investigation Requirements' of the Remedial Action Plan (Revision 1), prepared by JK Environments and dated 12/01/2021.
- C31. The additional site investigations required by Schedule 3 condition C30 must be documented in a report prepared by, or reviewed and endorsed by, a suitably consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
- C32. The recommendations of the *Remediation Action Plan (RAP)* (Revision 1) prepared by JK Environments and dated 12/01/2021 and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work as required by Schedule 3 conditions C30 and C31. The updated RAP must be endorsed by the same consultant as specified in Schedule 3 condition C30.
- C33. The site investigation report, required in Schedule 3 condition C31, the amended RAP in Schedule 3 condition C32 and the relevant certification must be submitted to the satisfaction of the Planning Secretary at least 4 weeks prior to the commencement of any construction for the relevant substage. A copy of the Planning Secretary's approval must be submitted to the Certifier for information prior to the commencement of construction of each relevant substage.

## **Utilities**

- C34. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- C35. Prior to the commencement of construction written advice must be obtained from the relevant utility providers / authorities (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

## **Notification of excavation**

- C36. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the Applicant must ensure that the relevant roads authority is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

## 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 C12.

### 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 5pm, 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 a variation is approved in advance in writing by the Planning Secretary or their 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:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.
- D8. Construction of the P4A Osborn Road and the through site road and associated works must be undertaken outside the school term dates or outside the AM and PM peak pick-up/drop-off times.

### **Implementation of Management Plans**

- D9. The Applicant must carry out the construction of the development in accordance with the most recent version of the submitted CEMP (including Sub-Plans).

### **Construction Traffic**

- D10. 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**

- D11. 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**

- D12. 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**

- D13. 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 C17.
- D14. 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.
- D15. 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**

- D16. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D17. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D16.
- D18. The limits in Schedule 3 conditions D16 and D17 apply unless otherwise outlined in the CNVMSP required by Schedule 3 condition C17.

### **Tree Protection**

- D19. 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 Reports (Boarding Accommodation) and (Car Parks and Through Site Link), prepared by Earthscape Horticultural Services and dated January 2021, as amended by Schedule 3 conditions B2 and B3; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

#### **Tree Hollows / Nest Boxes**

D20. Any trees on-site approved for removal that have hollows must be retained in part as ground fauna habitat or used as replacement hollows and attached to trees within the site. If it is not feasible to use salvaged hollows as replacement tree hollows, an artificial nest box must be installed to replace the loss of each tree hollow at a minimum ratio of 1:1. Details of the artificial nest box/es for targeted species must be approved in writing by a suitably qualified ecologist and included in the Landscape Plans required under Schedule 3 condition B5.

#### **Air Quality**

D21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D22. 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**

D23. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP (Schedule 3 condition C17).

#### **Imported Soil**

D24. The Applicant must:

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

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

D25. 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**

- D26. 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.

## **Unexpected Finds Protocol – Aboriginal Heritage**

- D27. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site must be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works must only recommence with the written approval of EES Group.

## **Unexpected Finds Protocol – Historic Heritage**

- D28. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works must 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 must be carried out in accordance with the RAP and any variations to the RAP approved by an NSW EPA-accredited Site Auditor, as amended by this development consent.
- 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).

## **Independent Environmental Audit**

- D37. 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.
- D38. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

- D39. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agreed to above, upon giving at least 4 weeks' notice to the applicant of the date or timing upon which the audit must be commenced.
- D40. 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 after submission to the Planning Secretary.
- D41. 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.
- D42. 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 / COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- E1. At least one month before the issue of the occupation certificate for the relevant stage, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **External Walls and Cladding**

- E2. Prior to the issue of the occupation certificate for the relevant stage, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- 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 commencement of operation, 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 condition C5 of this consent;
  - (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, prior to the commencement of operation:
- (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.

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

### **Post-Construction Survey – Residential Properties**

- E6. Where a pre-construction survey has been undertaken in accordance with condition 0, prior to the commencement of operation 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 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.

- E7. 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.

#### **Utilities and Services**

- E8. Prior to the issue of the occupation certificate for the relevant stage, 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**

- E9. Prior to the issue of the occupation certificate for the relevant stage, 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 (GTP)**

- E10. Prior to the issue of first occupation certificate which permits an increase in student and staff numbers, the applicant must update the GTP in consultation with TfNSW with an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes. The GTP must include, but not be limited to:

- (a) be prepared by a suitably qualified traffic consultant;
- (b) analysis of current travel survey data and school postcode data and discussion of how this data has informed the mode share targets and actions of the GTP;
- (c) identify the number of staff and students within reasonable walking / cycling distance;
- (d) specific tools and actions to help achieve the objectives and mode share target of 5.1% reduction in staff car trips and 11.4% for students;
- (e) an implementation strategy that commits to specific actions (including operational procedures to be implemented along with timeframes) to encourage the use of public and active transport and discourage the use of single occupant car travel to access the site;
- (f) details of bicycle parking and dedicated end of trip facilities including but not limited to lockers, showers and change rooms and e-bike charging station(s) for staff and students to support an increase in the non-car mode share for travel to and from the site;
- (g) a Transport Access Guide for staff, students and visitors providing information about the range of travel modes, access arrangements and supporting facilities that service the site;
- (h) a communication strategy for engaging with students, staff and visitors regarding public and active transport use to the site and the promotion of the health and wellbeing benefits of active and non-car travel to the site;
- (i) include a mechanism to monitor the effectiveness of the measures of the plan; and
- (j) the appointment of a Travel Plan Coordinator responsible for implementing the plan and its ongoing monitoring and review, including the delivery of actions and associated mode share targets.

*Note: The applicant must submit a copy of the plan for the endorsement of TfNSW via [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au), prior to the issue of the occupation certificate.*

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

- E11. Prior to the issue of the occupation certificate for the through site road, new carparks and drop-off/pick-up facilities, an OTAMP must be prepared by a suitably qualified person, in consultation with Council and TfNSW, and submitted to the satisfaction of the Certifier. The OTAMP must address the following:

- (a) the recommendations and commitments within the document titled '*Operational Traffic Management Plan*' ref: 181202 TAAB, prepared by Taylor Thomson Whitting and dated 8 December 2020 (as amended by this consent):
- (b) 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;
- (c) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- (d) the access and security arrangements of the boarding accommodation basement car park including clarification of how:
  - (i) school staff and students not residing at the boarding accommodation are provided safe access to the car and bicycle parking within the building; and
  - (ii) unauthorised access of the boarding accommodation basement would be prevented;
- (e) the operation of the pick-up/drop-off facilities confirming that all facilities would be open and allow access for on-site vehicle queuing at least 30 minutes prior to the afternoon school pick-up period commencing each day;
- (f) the location and operational management procedures of the pick-up and drop-off parking located within the project site, including staff management/traffic controller arrangements;
- (g) delivery and services vehicle and bus access and management arrangements;
- (h) management of approved access arrangements;
- (i) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking in the project site;
- (j) car parking arrangements and management associated with attendance at the school by staff, parents and persons associated with the school to ensure no parking occurs on Osborn Road and Mount Pleasant Avenue;
- (k) monitoring of Mount Pleasant Avenue and Osborn Road by traffic marshals and/or staff during peak periods to ensure pick-up/drop-off does not occur on these roads;
- (l) booking system / management of the tandem car parking spaces;
- (m) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (n) a monitoring and review program.

### **Boarding Accommodation Operational Management Plan**

E12. Prior to the issue of the first occupation certificate for the boarding accommodation, a Boarding Accommodation Operational Management Plan (BAOMP) must be submitted to and approved by the Planning Secretary. The BAOMP must:

- (a) include all the measures to be implemented on the premises in terms of safety & security, amenity and health including but not limited to matters relating to curfews and after-hours access, bringing of visitors on to the site, emergency response and use of communal areas etc;
- (b) include all the responsibilities of the caretaker/manager;
- (c) include an Incident Register to be maintained by the caretaker/manager. This Register must be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately;
- (d) be dated and the name and signature of the author of the document must be included; and

- (e) be displayed in prominent locations within the premises and a copy of the Plan must be provided to all residents of the boarding accommodation.

E13. Prior to occupation and commencement of the use of the boarding accommodation, a notification letter must be forwarded to Council and neighbours providing contact details for the caretaker/manager so that any issues regarding the operation of the premises can be addressed promptly. Evidence of this letter being forwarded as required in this condition must be provided to the satisfaction of the Certifier. The letter must also be forwarded to the CCC for information.

#### **Evacuation and Emergency Planning**

E14. Prior to the commencement of operation, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December 2014.

#### **Mechanical Ventilation**

E15. Prior to the issue of the occupation certificate for the relevant stage, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

#### **Operational Noise – Design of Mechanical Plant, Equipment and School Bell / PA System**

E16. Prior to the issue of the occupation certificate for the relevant stage, the Applicant must submit evidence to the Certifier that the appropriate noise mitigation measures required under Schedule 3 condition B12 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Construction and Operational Noise Assessment prepared by Wilkinson Murray and dated 16 December 2020.

#### **Car Parking, Service Vehicles and Bicycle parking Arrangements**

- E17. Prior to the issue of the occupation certificate for any relevant construction stage, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with the approved Staging Report under Schedule 3 condition A10, the amended Staging Plan under Schedule 3 condition B1 and the requirements of Schedule 3 conditions B17 and B18;
  - (b) appropriate pedestrian and cyclist advisory signs have been provided;
  - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
  - (d) appropriate signage has been provided within the site to direct the pedestrians to the safe pedestrian crossing facilities within the site;
  - (e) the location and design of the bicycle spaces comply with the provisions of Schedule 3 condition B19; and
  - (f) end-of-trip facilities for staff and students are provided.

#### **Road Damage**

E18. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

#### **Fire Safety Certification**

E19. Prior to the issue of the 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**

- E20. Prior to the issue of the 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.

### **Compliance with Food Code**

- E21. Prior to the issue of the occupation certificate for the boarding accommodation, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

### **Stormwater Quality Management Plan**

- E22. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

### **Warm Water Systems and Cooling Systems**

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

### **Outdoor Lighting**

- E24. Prior to the issue of the occupation certificate for the relevant stage, 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, public road network or bushland.

### **Signage and “No-Right Turn” restriction**

- E25. Prior to the issue of an occupation certificate for the relevant stage, way-finding signage and signage identifying the location of staff car parking must be installed.
- E26. Prior to the issue of an occupation certificate for the relevant stage, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- E27. Prior to the issue of the occupation certificate for the through site road, the Applicant must provide the following to the satisfaction of the Certifier:

- (a) evidence to demonstrate that “No Stopping” restrictions have been installed within the through site road (effective at all times);
- (b) evidence of endorsement from Council’s Local Traffic Committee and/or TfNSW (where applicable) to install a “No Right Turn” from Mount Pleasant Avenue onto Pennant Hills Road for the following time periods:
  - (i) 8am – 9:30am school days; and
  - (ii) 2:30pm – 4pm school days.
- (c) evidence, of any alternative advice (including refusal) from the relevant roads authority (Council or TfNSW), if the requirement of Schedule 3 condition E27(b) is not endorsed by the relevant roads authority; and
- (d) Evidence to demonstrate that the “No Right Turn” signage has been installed, in the case endorsement is obtained from the relevant roads authority(s).

### **Operational Waste Management Plan (OWMP)**

- E28. Prior to the commencement of operation, the Applicant must prepare an OWMP for the development and submit it to the Certifier. The OWMP must:
- (a) incorporate relevant amendments to the development required under Schedule 3 condition B2;
  - (b) detail the type and quantity of waste to be generated during operation of the development;
  - (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (d) detail the materials to be reused or recycled, either on or off site; and
  - (e) include the Management and Mitigation Measures included in EIS Appendix P.

### **Site Contamination**

- E29. If, based on further site investigations report undertaken in accordance with Schedule 3 condition C31, it is determined that ongoing on-site management of soil or groundwater contamination is required, then the following requirements must be satisfied:
- (a) the Applicant must engage a NSW EPA-accredited Site Auditor to confirm the appropriateness of the site for the proposed use. The Applicant must obtain from a NSW EPA-accredited Site Auditor a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a certified consultant and submit it to the Planning Secretary and relevant Council for information no later than one month before the commencement of operation; and
  - (b) the development must not be used for the purpose approved under the terms of this consent until a Site Audit Statement determines the land is suitable for that purpose and any conditions on the Site Audit Statement have been complied with.

### **Landscaping**

- E30. Prior to the issue of an occupation certificate for the relevant stage, landscaping of the site must be completed in accordance with approved landscape plan(s) under Schedule 3 condition B5.
- E31. Prior to the issue of an occupation certificate for the relevant stage, the Applicant must submit an Operational Landscape Management Plan to manage the proposed landscaping on-site, to the satisfaction of the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage proposed landscaping;
  - (b) be consistent with the Applicant’s Management and Mitigation Measures in the RtS Appendices C and I; and

- (c) incorporate the indirect impact mitigation measures indicated in the BDAR *Loreto Normanhurst Biodiversity Assessment Report* (version 6), prepared by Eco Logical Australia and dated 16 December 2020 relevant to the ongoing operation of the development.

### **BASIX**

- E32. Prior to the issue of the occupation certificate for the boarding accommodation building, the Applicant must implement the BASIX commitments required by Schedule 3 condition B7.

### **Pennant Hills Road Vehicular Entrance**

- E33. Prior to the issue of any occupation certificate, removable bollards must be installed at the Pennant Hills Road vehicular entrance of the driveway accessing the Chapel.

### **Road Safety Audit**

- E34. Prior to the issue of an occupation certificate for internal through site road and drop-off/pick-up facilities, a Road Safety Audit (RSA) must be conducted on the school pick-up and drop off areas, through site road, pedestrian and vehicular accesses to the school. The RSA must be undertaken in accordance with *Austrroads Guide to Road Safety Part 6: Managing Road Safety Audits* and *Austrroads Guide to Road Safety Part 6A: Implementing Road Safety Audits*.
- E35. The results of the RSA and the relevant recommendations, including any measures to improve road safety must be submitted to the Certifier for information within one month of undertaking the audit and prior to the issue of that substage.
- E36. Based on the recommendations of the RSA, appropriate road safety and/or traffic management measures must be implemented, in consultation with Council and TfNSW, within 3 months of the RSA and evidence submitted to the satisfaction of the Certifier.

### **Certification of WSUD Facilities**

- E37. Prior to the issue of an occupation certificate for the relevant stage, a certificate from a Civil Engineer must be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets set out in the approved WSUD Strategy required by Schedule 3 Condition B11.

### **Damage to Council Assets**

- E38. Any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)). Rectification works must be undertaken prior to the issue of an occupation certificate, or sooner, as directed by Council.

### **Creation of Easements (Application for the Execution of Legal Documents)**

- E39. Prior to the issue of the occupation certificate for the relevant stage, the following easement/s must be created on the title of the property under the *Conveyancing Act 1919*:
  - (a) the creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems and the water quality devices, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention and water quality system is to be clearly indicated on the title; and
  - (b) to register the OSD and water quality devices easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the onsite system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations.

**Note:** Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

### **Arborist certification**

- E40. Prior to the issue of the occupation certificate for the relevant stage, the project Arborist must submit to the Certifier a certificate that details:
- (a) all tree protection requirements were complied with for the duration of the construction works in accordance with the Arboricultural Impact Assessments Reports 'Boarding House' and 'Car Parks and Through Site Link', prepared Earthscape Horticultural Services and dated 21 January 2021;
  - (b) all completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans (as amended by conditions of this consent);
  - (c) dates, times and reasons for all site attendance by the project Arborist/s; and
  - (d) all works undertaken to maintain the health of retained trees.



## PART F POST OCCUPATION

### Pennant Hills Road Vehicular Entrance

- F1. Bollards in accordance with the requirements of condition E33 must be installed at the Pennant Hills Road vehicular entrance between Monday and Friday to prevent access by general traffic. The Pennant Hills Road access is only allowed to be opened for use on the weekend for ceremonial vehicles accessing the Chapel.

### Early Learning Centre Car Parking

- F2. On-site car parking spaces must be provided for the operation of the Early Learning Centre (ELC) approved under development application No. DA/1227/2018 as follows:
- (a) 10 car parking spaces must be made available on-site for the exclusive use of ELC staff; and
  - (b) 5 car spaces must be made available on-site for drop-pick/pick-up for the ELC outside of school peak periods.
- F3. Notwithstanding, Schedule 3 condition F2, the car parking spaces may be used by school users prior to completion of construction of the ELC.

### Operation of Plant and Equipment

- F4. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### Warm Water Systems and Cooling Systems

- F5. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### Community Communication Strategy

- F6. The Community Communication Strategy required by condition C10, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.
- F7. The CCC required by condition C11 must be operational at least 6 months after completion of the Stage 1 works.

### Operational Noise Limits

- F8. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the *Construction and Operational Noise Assessment* prepared by Wilkinson Murray and dated 16 December 2020.
- F9. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry*, where valid data is collected within three months of commencement of use of each stage which results in an increase in student numbers.
- F10. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each substage (which results in an increase in student numbers) to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Construction and Operational Noise Assessment prepared by Wilkinson Murray and dated 16 December 2020.
- F11. Should the noise monitoring program required by Schedule 3 condition F10 identify any exceedance of the recommended noise levels referred to in Schedule 3 condition F8, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

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

F12. All of the site's 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.

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

F13. The OTAMP(s) approved under Schedule 3 condition E11 (as revised from time to time) must be:

- (a) implemented by the Applicant for the life of the development; and
- (b) monitored, reviewed and updated (if necessary) on an annual basis, to ensure operational transport impacts of the development are effectively managed and mitigated.

### **Signposting**

F14. All works/regulatory signposting associated with the proposed development are to be at no cost to TfNSW or Council.

### **Green Travel Plan (GTP)**

F15. The GTP required by Schedule 3 condition E10 of this consent must be updated annually and implemented for the life of the development unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

F16. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition C27, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

F17. Notwithstanding Schedule 3 condition D34, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide reasonable mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level. Details of outdoor lighting must also be provided to the CCC for information.

### **Various Operational Management Plan**

F18. The following operational management plans (and any updates to those plans), must be implemented and adhered to at all times by the Applicant following the issue of the relevant occupation certificate:

- (a) Operational Landscape Management Plan (Schedule 3 condition E31);
- (b) GTP (Schedule 3 condition E10);
- (c) Operational Transport Access Management Plan (Schedule 3 condition E11);
- (d) Boarding Accommodation Operational Management Plan (Schedule 3 condition E12);
- (e) Operation and Maintenance Plan (Schedule 3 condition E22); and
- (f) Operational Waste Management Plan (Schedule 3 condition E28).

## APPENDIX 1 ADVISORY NOTES

### General

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

### Long Service Levy

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

### Legal Notices

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

### Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### Utilities and Services

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

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

### Road 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(RMS) and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (g) a copy of the conditions of consent;
- (h) the proposed school commencement/opening date;
- (i) 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.

#### **Vehicle Size Controls along Pennant Hills Road**

AN14. The proponent should be advised that there are existing vehicle size controls along the Pennant Hills Road frontage of the subject site. Heavy vehicles and buses (over 12.5m in length and 2.8m in height) coming from the south of Pennant Hills Road should use NorthConnex and exit at Hornsby exit. Further information regarding NorthConnex and Pennant Hills Road Truck Enforcement is available on the website: <https://www.rms.nsw.gov.au/business-industry/heavy-vehicles/safety-compliance/pennant-hills-road-regulation/index.html>.

#### **Road Works**

AN15. A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) and the following requirements:

- (a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- (b) Any redundant crossings must be replaced with integral kerb and gutter; and
- (c) The footway area must be restored by turfing.

**Note:** An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

## **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 A31 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.