

# Development Consent

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

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Karen Harragon  
**Director**  
**Social and Infrastructure Assessments**

Sydney

3 August 2022

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

## SCHEDULE 1

<b>Application Number:</b>	SSD-19989744
<b>Applicant:</b>	SCEGGS Darlinghurst Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	165-215 Forbes Street, Darlinghurst (Lot 200 DP 1255617)
<b>Development:</b>	<p>Restoration and adaptive re-use of Wilkinson House on the SCEGGS Darlinghurst school campus, involving:</p> <ul style="list-style-type: none"><li>• retention and restoration of existing external facades, entrance lobby and lounge hall;</li><li>• removal of the roof and unsympathetic external additions to the building;</li><li>• demolition of internal elements including stairs, walls, floors and ceilings to all levels;</li><li>• excavation to create a new basement level sports hall with connection to the Centenary Sports Hall;</li><li>• construction of new internal floors and ceilings to all levels;</li><li>• construction of a new roof and rooftop courtyard;</li><li>• creation of general learning areas, breakout spaces, multi-purpose room, meeting rooms, staff rooms, offices, amenities and rooftop courtyard;</li><li>• extension of the building to accommodate a lift core;</li><li>• plant enclosure on the roof of the Joan Freeman Building;</li><li>• erection of 11 temporary demountable classrooms; and</li><li>• landscaping.</li></ul>

## CONSOLIDATED CONSENT

### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-19989744-Mod-1	20 October 2023	Acting Team Leader, School Infrastructure Assessments	Minor amendments to Wilkinson House to improve the functionality and design of the building including increasing the lift shaft height by 300 millimetres and other minor alterations and additions to the building fabric and interior.

## DEFINITIONS

<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>	SCEGGS Darlinghurst Ltd or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the carrying out of works for the purposes of the development, including bulk earthworks, 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>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	City of Sydney 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 and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising, 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>EHG</b>	Environment and Heritage Group of the Department of Planning and Environment
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Assessment, SCEGGS Darlinghurst – Adaptive re-use of Wilkinson House (SSD-19989744)</i> , prepared by Urbis Pty Ltd dated 15 February 2022, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<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>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>

<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<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, Department of Planning and Environment
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section 10.15 of the EIS
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (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>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>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>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1
<b>TfNSW</b>	Transport for New South Wales

<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the <i>Protection of the Environment Operations Act 1997</i>
<b>Year</b>	A period of 12 consecutive months

FOR INFORMATION

# CONSOLIDATED CONSENT

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

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

#### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, Response to Submissions, supplementary Response to Submissions **and SSD-19989744-Mod-1**;
  - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by Smart Design Studio			
Dwg No.	Rev	Name of Plan	Date
DA003	<u>E</u>	SUBJECT SITE PLAN	<u>14/09/23</u>
DA005	<u>F</u>	TEMP DEMOUNTABLES PLANS 01	<u>14/09/23</u>
DA006	B	TEMP DEMOUNTABLES PLANS 01	11.02.22
DA010	<u>E</u>	TEMP DEMOUNTABLES ELEV 01	<u>14/09/23</u>
DA011	A	TEMP DEMOUNTABLES ELEV 02	11.02.22
DA050	<u>D</u>	L00 DEMOLITION PLAN	<u>31/05/23</u>
DA051	<u>D</u>	L01 DEMOLITION PLAN	<u>31/05/23</u>
DA052	<u>D</u>	L02 DEMOLITION PLAN	<u>31/05/23</u>
DA053	<u>D</u>	L03 DEMOLITION PLAN	<u>31/05/23</u>
DA055	<u>D</u>	LG DEMOLITION PLAN	<u>31/05/23</u>
DA060	<u>D</u>	DEMO EAST ELEVATION	<u>31/05/23</u>
DA061	<u>D</u>	DEMO NORTH ELEVATION	<u>31/05/23</u>
DA062	<u>D</u>	DEMO WEST ELEVATION	<u>31/05/23</u>
DA063	<u>D</u>	DEMO SOUTH ELEVATION	<u>31/05/23</u>
DA066	<u>D</u>	E-W DEMOLITION SEC	<u>31/05/23</u>
DA100	<u>E</u>	L00 PLAN	<u>31/05/23</u>
DA101	<u>E</u>	L01 PLAN	<u>31/05/23</u>
DA102	<u>E</u>	L02 PLAN	<u>31/05/23</u>
DA103	<u>G</u>	L03 PLAN	<u>14/09/23</u>
DA104	<u>D</u>	L04 PLAN	<u>14/09/23</u>
DA105	<u>D</u>	LG PLAN	<u>31/05/23</u>
DA400	<u>E</u>	EAST ELEVATION	<u>14/09/23</u>
DA401	<u>E</u>	NORTH ELEVATION	<u>14/09/23</u>
DA402	<u>F</u>	WEST ELEVATION	<u>25/09/23</u>
DA403	<u>F</u>	SOUTH ELEVATION	<u>14/09/23</u>

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DA450	<u>E</u>	SECTION AA	<u>14/09/23</u>
DA451	<u>D</u>	SECTION BB	<u>14/09/23</u>
DA452	<u>E</u>	SECTION CC	<u>14/09/23</u>
DA551	<u>C</u>	STL WINDOWS	<u>07/06/23</u>
DA750	<u>D</u>	GFA PLANS	<u>31/05/23</u>
SK100	<u>B</u>	L00 – HERTIAGE INLAY	<u>31/05/23</u>
SK101	<u>B</u>	L01 – HERTIAGE INLAY	<u>31/05/23</u>
SK102	<u>B</u>	L02 – HERTIAGE INLAY	<u>31/05/23</u>
<b>Landscape Plans prepared by Context Landscape Architecture</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L_0002	C	PLANTING SCHEDULES	16.06.22
L_1001	C	LANDSCAPE PLAN GROUND FLOOR	16.06.22
L_1002	B	LANDSCAPE PLAN LEVEL 3	16.06.22
L_7001	B	TYPICAL DETAILS	25.05.22

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

### Limits of Consent

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

### Prescribed Conditions

- A6. 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

- A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

### Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and

- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### Staging

- 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 condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project;
  - (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
  - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- 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 including independent auditing requirements.

### 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.

### Structural Adequacy

- A17. All new building structures, and any alterations or additions to existing building structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

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

### External Walls and Cladding

- A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### External Materials

- A19. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in Condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
  - (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
  - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

### Applicability of Guidelines

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

### Monitoring and Environmental Audits

- A22. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

### Access to Information

- A23. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;

- (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
  - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vi) a summary of the current stage and progress of the development;
  - (vii) contact details to enquire about the development or to make a complaint;
  - (viii) a complaints register, updated monthly;
  - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
  - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

### Compliance

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

### Incident Notification, Reporting and Response

A25. The 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.

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

### Non-Compliance Notification

A27. 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.

A28. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A29. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Revision of Strategies, Plans and Programs

A30. Within three months of:

- (a) the submission of an incident report under condition A26;
- (b) the approval of any modification of the conditions of this consent; or
- (c) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

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

A31. 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.*

### **Use of Heritage Consultant**

- A32. The Applicant must engage a suitably qualified heritage consultant to work with the project team throughout the detailed design, contract documentation and construction stages of the project.
- A33. The heritage consultant must be involved in the resolution of all matters where existing significant fabric and spaces within Wilkinson House are subject to preservation, restoration, reconstruction, adaptive re-use, recording and/or demolition.
- A34. The heritage consultant must be provided with full access to the site and is to be authorised to respond directly to the Planning Secretary where information or clarification is required regarding the resolution of heritage matters.

**PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE****External Walls and Cladding**

- B1. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

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

- B2. Prior to the issue of any construction certificate for the mechanical plant and equipment, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *SCEGGS Wilkinson House, Noise Impact Assessment, Acoustics Report* prepared by ADP Consulting Pty Ltd and dated 15 October 2021 (Revision 2) have been incorporated into the design to ensure the development will not exceed the project noise trigger levels identified in the title of relevant report.

**Public Domain Works, Vehicular Crossings and Kerbs**

- B3. Prior to the issue of construction certificate for public domain works (where applicable), the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment (as relevant to the scope of works in this consent) along the entire frontage of the Wilkinson House building and any associated landscaped areas forming part of this proposal meets the requirements of Council, including addressing pedestrian management. If the works are required to be carried out in stages, the Applicant must submit documentation of approval for each stage from Council to the Certifier.

*Note: Where applicable, Separate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority (being Council's Public Domain Unit) for roadworks or works within the public domain.*

- B4. Prior to the issue of the construction certificate for public domain works (where applicable), Public Domain Damage Deposit calculated on the basis of area (in square meters) of the asphalt footpath on the portions of Forbes Street and St Peter Street along the entire frontage of the Wilkinson House building and any associated landscaped areas forming part of this proposal, must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

*Note: The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with Council.*

*Note 2: Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.*

- B5. The Applicant must pay a Public Domain Works Security Bond for the public domain works (where applicable) and for repairing damage that may be caused to the public domain in the vicinity of the entire frontage of the Wilkinson House building any associated landscaped areas forming part of this proposal, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

*Note: Council's Public Domain Unit must be contacted to determine the bond amount prior to lodgement.*

- B6. Prior to the issue of any construction certificate for public domain works (where applicable), the Applicant must prepare a public domain concept plan, showing all portions of Forbes Street and St Peter Street along the entire frontage of the Wilkinson House building and any associated landscaped areas around this building forming part of this proposal and extending a minimum of 5m past the boundary of Wilkinson House building and to the road centreline, in accordance with the City's Public Domain Manual and Sydney Streets Code.
- B7. The Applicant must submit the concept plan (if applicable) to Council's Public Domain Unit for endorsement and submit a copy of the endorsed plan to the Certifier for information.
- B8. Prior to the issue of any construction certificate for above ground works (except for demolition works), the Applicant must consult with Council and submit the following to the satisfaction of the Certifier:

- (a) details of levels and gradients for the building and the entire street frontage to the Wilkinson House building and any associated landscaped areas forming part of this proposal, prepared by a Registered Surveyor or suitably qualified engineer, where ground floor level of existing building is retained (if applicable);
  - (b) amended public domain levels and gradients details to reflect the changes, to any site entrance, exit, driveway or ground floor level (where applicable), for the entire street frontage to the Wilkinson House building and any associated landscaped areas forming part of this proposal; and
  - (c) evidence of consultation with Council.
- B9. If the proposal results in any impacts on existing lighting infrastructure along the entire street frontage to the Wilkinson House building and any associated landscaped areas forming part of this proposal, then prior to issue of any construction certificate for public domain works, a concept Public Domain Lighting Upgrade Plan and Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain (including Forbes Street and St Peters Street) must be submitted to and endorsed by Council's Public Domain Unit. The Lighting Plan must be prepared in accordance with Council's Sydney Streets Technical Specifications, Sydney Lights Design Code and Public Domain Manual.
- Note:* The information is available at: <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/associated-works>.
- B10. The construction certificate plans for drainage works within Council's public domain (where stormwater works are proposed within Council's road reserve) must demonstrate that:
- (a) drainage and service pit lids throughout the public domain are in accordance with Council's specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning;
  - (b) infill pit lids are detailed (where specified by Council's Public Domain Officer); and
  - (c) no private pits are included within the public domain.
- B11. All details of drainage pit lids must be endorsed by Council's Public Domain Unit prior to the issue of a construction certificate for public domain works, if drainage work/pits or lids are proposed within Council's road reserve.

### **Schedule of Conservation Works**

- B12. Prior to the issue of construction certificate, the Applicant must prepare a Schedule of Conservation Works that identifies all significant heritage elements in Wilkinson House that must be retained and conserved during construction. The Schedule of Conservation Works must be prepared in consultation with Council and the heritage consultant required by condition A32 and be submitted to the Planning Secretary for approval.

### **Use of Heritage Consultant – Notification to Council**

- B13. Prior to the issue of any construction certificate, the Applicant must provide Council with the contact details of the heritage consultant engaged to work with the project team required by condition A32.

### **Flood mitigation**

- B14. Prior to the issue of any construction certificate (except demolition works), the Applicant must provide a signed certification from a suitably qualified consultant, to satisfaction of the Certifier, identifying that any new structural components of the buildings, located below the 1% Annual Exceedance Probability (AEP) level are constructed of flood resistant materials, in accordance with the relevant Australian Standards (where possible).
- B15. Construction certificate plans must demonstrate that the development is designed to comply with the recommendation within *Civil Engineering Report Rev 6*, prepared by Northrop and dated 27 June 2022.

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

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

- C4. Prior to the commencement of 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.
- C5. Prior to the commencement of any construction, a photographic recording of the public domain street frontages must be prepared as described in the Public Domain Manual and submitted for endorsement by Council's Public Domain Unit.

*Note:* The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

### Pre-Construction Dilapidation Survey – Adjoining Properties

- C6. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential and heritage listed buildings that are likely to be impacted by the development.
- 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 construction for any part of the development, development contributions must be paid to Council under section 7.12 of the EP&A Act and in accordance with the City of Sydney Development Contributions Plan 2015.

## Community Communication Strategy

C10. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval, 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.

## Demolition

C11. Prior to the commencement of 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.

## Heritage Conservation Works Program

C12. Prior to the commencement of construction, the Applicant must prepare a Heritage Conservation Works Program for Wilkinson House and submit it to the Planning Secretary for approval. The program must:

- (a) include a methodology to implement the policies and recommendations set out in:
  - (i) *Conservation Management Plan (Part 1) SCEGGS Darlinghurst Campus* prepared by Urbis Pty Ltd and dated 26 November 2021;
  - (ii) *Conservation Management Plan (Part 2) SCEGGS Darlinghurst: Wilkinson House* prepared by Urbis Pty Ltd and dated 17 January 2022;
  - (iii) *Heritage Impact Statement SCEGGS Darlinghurst: Wilkinson House (SSD-19989744)* prepared by Urbis Pty Ltd and dated 17 January 2022;
- (b) detail the conservation of all fabric to be retained that is identified as having a heritage significance including, but not limited to, any relevant stonework, brickwork, door and window joinery, glazing, hardware, pavements, signage and tiling;
- (c) outline specifications, methodologies and detailed architectural sections, elevations and plans at a scale of 1:20 and 1:5. The details must incorporate any structural and/or building services design for the building;
- (d) demonstrate that the eave lining to the new roof matches the existing roof in terms of detailing and design. Archival records should be undertaken to document the eave lining in detail to assist in the exact appearance.
- (e) document the salvage, re-use and recycling methodology for traditional building materials;

- (f) ensure works are carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the building;
- (g) ensure conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter (2013); and
- (h) ensure that appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

### Photographic Archival Recording of Wilkinson House

C13. Prior to the commencement of each relevant stage of construction works, or alternative timing as agreed to in writing by the Planning Secretary, a photographic archival record of Wilkinson House must be prepared in accordance with the NSW Heritage Branch guidelines titled *Photographic Recording of Heritage Items using Film or Digital Capture* (2006) and in accordance with the recommendations in the *Heritage Impact Statement SCEGGS Darlinghurst: Wilkinson House (SSD-19989744)* prepared by Urbis Pty Ltd and dated 17 January 2022. The photographic archival record must:

- (a) be prepared by the appointed heritage consultant;
- (b) capture the exterior and interior of Wilkinson House and show its relationship to the streetscape;
- (c) occur in stages, including:
  - (i) prior to the removal of any significant building fabric or furnishings (i.e, prior to any demolition works);
  - (ii) during the removal of fabric that will expose significant building fabric or furnishings; and
  - (iii) after works have been completed;
- (d) include:
  - (i) a summary report detailing the application number, project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record;
  - (ii) electronic images taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4 to 6 MB and cross-referenced to the digital catalogue sheets and base plans;
  - (iii) written confirmation, issued with the authority of the Applicant and the photographer that Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties; and
  - (iv) signatures of the Applicant and the photographer;
- (e) be submitted to Council, any relevant local studies collection in the locality and the Planning Secretary; and
- (f) be submitted on a USB, or digital file transfer in PDF/A format (created directly from the digital original) with a digital catalogue of images with the following data for each location, image subject/description and date.

### Ecologically Sustainable Development

C14. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

- (a) registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
- (b) seeking approval from the Planning Secretary for an alternative certification process.

### Stormwater Management System

C15. Prior to the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the documents and plans referred to in condition A2 of this consent;
- (c) be in accordance with applicable Australian Standards;
- (d) be in accordance with (where applicable) Council's:
  - (i) Sydney Streets Technical Specifications, Part A4 Drainage Design;
  - (ii) Sydney Streets Technical Specifications, Standard Drawings;
  - (iii) Streets Technical Specifications, Part B10: Stormwater Drainage Construction; and
  - (iv) Stormwater Drainage Manual;
- (e) include details of on-site detention system in accordance with requirements of Sydney Water (if applicable);
- (f) include stormwater quality treatment measures generally complying with the following measures:
  - (i) reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - (ii) reduce the baseline annual pollutant load for total suspended solids by 85%;
  - (iii) reduce the baseline annual pollutant load for total phosphorous by 65%; and
  - (iv) reduce the baseline annual pollutant load for total nitrogen by 45%; and
- (g) 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.

*Note: Where applicable, a Deed of Agreement (Stormwater Deed) for all proposed connections to the Council's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.*

*Note: Where applicable, a separate approval would be required for stormwater works within Council's road reserve under Roads Act 1993.*

### Outdoor Lighting

- C16. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### Environmental Management Plan Requirements

- C17. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

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

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

### Construction Environmental Management Plan

- C18. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier for approval 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) groundwater management plan including measures to prevent groundwater contamination;

- (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; and
  - (vi) community consultation and complaints handling as set out in the Community Communication Strategy required by condition C10;
  - (b) an unexpected finds protocol for contamination and associated communications procedure;
  - (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
  - (d) Construction Traffic and Pedestrian Management Sub-Plan (see condition C19);
  - (e) Construction Noise and Vibration Management Sub-Plan (see condition C20);
  - (f) Construction Waste Management Sub-Plan (see condition C21);
  - (g) Construction Soil and Water Management Sub-Plan (see condition C22); and
  - (h) Construction Flood Emergency Response (see condition C23).
- C19. The Construction Traffic and Pedestrian Management Sub-Plan 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) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) ensure that construction vehicle movements do not occur during the school drop-off (7:30am to 9:00am) and pick up (2.30pm to 4:00pm) periods on school days;
  - (f) detail the operational requirements for a Works Zone along Forbes Street, including activities to be carried out, measures for safe access and egress and hours of operation; and
  - (g) include traffic control sub-plans for each of the following stages of work:
    - (i) demolition;
    - (ii) excavation;
    - (iii) construction; and
    - (iv) traffic control for vehicles reversing into or out of the site.
- C20. 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) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition C20(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C17.

- C21. 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;
  - (c) measures to re-use or recycle up to 80% of the construction and demolition materials (where possible);
  - (d) details showing the storage location for waste refuse areas, and safe storage areas for reusable and recyclables construction materials; and
  - (e) confirmation of the contamination status of the development areas of the site based on the validation results.
- C22. The Applicant must prepare a Construction Soil and Water Management Sub-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) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (e) detail all off-Site flows from the Site; and
  - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events up to the 1 in 100-year ARI).
- C23. The Construction Flood Emergency Management Sub-Plan (FEMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the *Floodplain Risk Management Guidelines* (EHG);
  - (c) include details of:
    - (i) the flood emergency responses for the construction phase of the development;
    - (ii) flood warning time and flood notification;
    - (iii) assembly points and evacuation routes;
    - (iv) evacuation and refuge protocols; and
    - (v) awareness training for employees and contractors, and users/visitors.
- C24. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

### Construction Worker Transportation Strategy

- C25. Prior to the commencement of 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.

### Construction and Demolition Waste Management

- C26. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the TfNSW Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.

### Public domain works

- C27. Prior to the commencement of construction for any the following works, as applicable:

- (a) new vehicle crossings or temporary crossings;
- (b) constructed to access the property;
- (c) new driveway laybacks and kerbs or removal of kerbs; and
- (d) cutting of existing kerbs for stormwater outlets.

the Applicant must consult with Council and obtain necessary approvals under *Roads Act 1993*.

- C28. Prior to the commencement of construction of any new kerbs (if applicable) the Applicant must demonstrate that the replacement kerbs are constructed with stone to match existing stone kerbs or as specified by relevant Council officers.

## 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 condition C11.

### Retention of Internal Features

- D4. The existing entrance lobby and lounge hall to Wilkinson House must be retained consistent with the approved plans referenced in condition A2, unless otherwise agreed with the Planning Secretary regarding alterations to any insignificant features or elements in these areas. This includes all walls, floors and ceiling finishes, fireplaces, timber joinery and carpentry, glazing, doors, windows, architraves, cornices, picture rails, skirtings, fixtures and fittings and moveable items.

### Salvage, Re-use and Recycling of Traditional Building Materials

- D5. Any suitable stone, bricks, joinery, timber balustrade, timber floorboards and decorative architectural elements to be demolished including stairs, windows and doors, architraves, skirtings, picture rails, cornices, fireplaces, chimney pieces and ceiling roses must be salvaged and re-used on the project. The salvage, re-use and recycling of traditional building materials must be documented in the Heritage Conservation Works Program required by condition C12.
- D6. Where it is demonstrated that the traditional building materials listed in condition D5 cannot be re-used on the project or elsewhere on site, the materials must be transferred to an established second-hand building material dealer for recycling.

### Materials for Making Good

- D7. Where new materials are used for making good and repairs, these must match the existing in terms of colours, finishes, sizes, profile and properties.

### Use of Heritage Consultant – Construction Stage

- D8. The heritage consultant engaged to work with the project team in accordance with condition A32 is required undertake the following during construction:
- (a) site inspections of not less than fortnightly intervals (except when no works are being undertaken to significant fabric as identified by the plans and documentation listed in condition A2); and

- (b) maintain a record of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.

### Construction Hours

D9. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

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

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

D10. Construction activities may be undertaken outside of the hours in condition D9 if required:

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

D11. Notification of such construction activities as referenced in condition D10 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D12. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

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

### Implementation of Management Plans

D13. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

### Hoarding Requirements

D14. 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

D15. 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.

### Protection of Stone Kerbs

D16. The existing stone kerbs on the Forbes Street frontage of the site must be retained and properly protected during demolition, excavation and construction works unless otherwise agreed by Council.

D17. To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be conducted with endorsement from Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the Council's standard details and specifications after the construction works have been completed. A temporary concrete kerb must be constructed to retain the footpath until the stone kerbs can be reinstalled prior to occupation.

- D18. Should vehicular crossings or temporary crossings be proposed (if applicable) to access the site, the affected kerb stones should be salvaged and reused, wherever possible.

*Note: all costs associated with the works are to be borne by the developer.*

### Public Domain

- D19. A detailed Public Domain Plan (where applicable) must be prepared and be endorsed by Council prior to the commencement of construction of public domain works along the entire frontage of the Wilkinson House building and any associated landscaped areas forming part of this development consent. The plan must be consistent with the concept public domain plan required by this development consent.

*Note: refer to Public Domain Plan Detailed Documentation for Construction condition.*

### Construction Noise Limits

- D20. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D21. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D9.
- D22. 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

- D23. 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).
- D24. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D23.
- D25. The limits in conditions D23 and D24 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C20 of this consent.

### Tree Protection

- D26. 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 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; and
  - (c) 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.

### **Air Quality**

D27. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D28. 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**

D29. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the Construction Soil and Water Management Sub-Plan.

### **Imported Fill**

D30. The Applicant must:

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

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

D31. 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.

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

D32. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EHG 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 EHG to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EHG.

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

D33. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW and the Planning Secretary notified. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Planning Secretary.

### **Waste Storage and Processing**

D34. 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.

D35. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

- D36. 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.
- D37. 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.
- D38. 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

- D39. 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

- D40. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

### Independent Environmental Audit

- D41. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D42. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 week's notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- D43. 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 condition D41 of this consent;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- D44. 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.
- D45. 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, 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, 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 the Planning Secretary a copy of the documentation given to the Certifier and it within seven days after the Certifier accepts it.

### Post-Construction Dilapidation Report – Protection of Public Infrastructure

- E4. Prior to the issue of an occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition C4 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:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

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

### Road Damage

- E6. Prior to the issue of an occupation certificate, 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.
- E7. Any damaged stone kerb on Forbes Street must be replaced to match existing to Council's satisfaction, unless otherwise agreed with Council.

### Post-Construction Dilapidation Report – Adjoining Properties

- E8. Where a Pre-Construction Dilapidation Survey has been undertaken in accordance with condition C6, 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 Dilapidation Report. The 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 C6;
  - (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.
- E9. Where the Post-Construction Dilapidation Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

### Utilities and Services

- E10. Prior to the issue of the occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### Works as Executed Plans

- E11. Prior to the issue of the occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

### Green Travel Plan

- E12. Prior to the commencement of operation, a Green Travel Plan must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must be prepared by a suitably qualified traffic consultant in consultation with Council.

### Mechanical Ventilation

- E13. Prior to the issue of the occupation certificate, 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 and Equipment

- E14. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *SCEGGS Wilkinson House, Noise Impact Assessment, Acoustics Report* prepared by ADP Consulting Pty Ltd and dated 15 October 2021 (Revision 2) have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended project trigger noise levels.

### Fire Safety Certification

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

### Structural Inspection Certificate

- E16. Prior to the commencement of occupation 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.

### Stormwater Operation and Management Plan

- E17. Prior to the issue of the occupation certificate, a Stormwater Operation and Maintenance Plan is to be submitted to the satisfaction of the Certifier. The plan 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

- E18. 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

- E19. Prior to the issue of the occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### Heritage Consultant – Post-Construction Report

- E20. Prior to the issue of the occupation certificate, the Applicant must submit a final Post-Construction Report that has been prepared by the project heritage consultant to the satisfaction of the Planning Secretary. The report must:
- (a) outline how the relevant heritage conditions have been satisfied throughout the construction stage of the project; and
  - (b) confirm that all works have been completed in accordance with the Heritage Conservation Works Program for Wilkinson House required by condition C12.
- A copy of the final report must be provided to Council.

### Heritage Interpretation Plan

- E21. Prior to the issue of the occupation certificate, the Applicant must submit a Heritage Interpretation Plan to acknowledge the heritage of the site to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified heritage consultant in consultation with Council;
  - (b) include provision for naming elements within the development that acknowledges the site's heritage;
  - (c) incorporate interpretive information as part of the development, including:
    - (i) the original internal terrazzo staircase and timber balustrade;
    - (ii) details on the reuse of skirtings, architraves, picture rails, doors, windows and timber floorboards within the proposal, where reuse or retention proposed;
    - (iii) the original planning and room layout must be included in representative areas on each floor using floor or/and ceiling inlays;
  - (d) detail how information on the history and significance of the Wilkinson House will be provided for the public and make recommendations regarding public accessibility, signage

and lighting (i.e. public art, details of the heritage design and/or display of selected artefacts);

- (e) specify the location, size, type and materials and contents of the interpretation device being proposed; and
- (f) detail future management and maintenance policies and timeframes for implementation.

### Cyclical Maintenance Plan

E22. Prior to the commencement of operation, the Applicant must prepare a Cyclical Maintenance Plan to the satisfaction of the Certifier. The plan must be prepared by a suitably qualified heritage consultant and must specify the frequency and methodologies to conduct building inspections and maintenance works to building elements and services.

### Operational Waste Management Plan

E23. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site;
- (d) meet the requirements of Council's waste management guidelines as applicable to the and
- (e) include the management and mitigation measures included in the SCEGGS Darlinghurst Wilkinson House Redevelopment Operational Waste Management Plan prepared by Foresight Environmental and dated 11 November 2021 (Revision 3).

### Landscaping

E24. Prior to the commencement of operation, the Applicant must:

- (a) ensure landscaping of the site including street tree planting is completed in accordance with landscape plan(s) listed in condition A2(d);
- (b) ensure that street tree pits are constructed generally in accordance with Council's Street Tree Master Plan (Technical Guidelines), where possible, or other relevant guidance document;
- (c) ensure that Council's tree management officer is consulted with for the planting of street trees in relation to all tree supply, planting and maintenance matters;
- (d) ensure that all street trees are planted (where applicable) in a minimum container size of 100 litres and a minimum 2m at the time of planting and are grown in accordance with Australian Standard 2303:2015 'Tree stock for landscape use';
- (e) ensure that the tree supplier certifies that street trees have been grown and comply with the requirements of AS2302 and that this certification is provided to City's Tree Management Officer and Public Domain Officer for information, prior to the trees being planted; and
- (f) prepare a Landscape Management Plan for the ongoing maintenance and management of landscaping on the site that must be submitted to the satisfaction of the Planning Secretary.

### Operational Flood Emergency Management Plan

E25. Prior the commencement of the operation, a Flood Emergency Management Plan must be submitted to the Certifier that:

- (a) has been prepared by a suitably qualified and experienced person(s);
- (b) has been prepared in consultation with NSW State Emergency Service (NSW SES) noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;

- (c) incorporates and complies with all advice provided by NSW SES at condition E25(b) above;
- (d) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);
- (e) incorporates the following:
  - (i) the flood emergency management protocols for operational phase of the development;
  - (ii) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students and visitors;
  - (iii) details strategies such as early or pre-emptive school closure or part closure, and other management requirements where relevant and where consistent with SES advice;
  - (iv) provides clear emergency management triggers and responses;
  - (v) details of flood warning time and flood notification;
  - (vi) details assembly points and flood free routes where required;
  - (vii) identifies clear roles and responsibilities for emergency flood management within the school;
  - (viii) recognise that the NSW SES is the lead combat agency for floods and state that any flood response directive issued by the SES must be followed
  - (ix) provide clear messaging and communication protocols;
  - (x) includes clear requirements that the Plan be regularly reviewed; and
- (f) include details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members.

### Unobstructed Publicway

- E26. Prior to the issue of any occupation certificate, the Applicant must demonstrate the following to the satisfaction of the Certifier:
- E27. Any new access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.
- E28. All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

### Public Domain

- E29. All required inspections for public domain works must be completed by Council prior to the issue of occupation certificate and a copy of the completed inspections must be submitted to the Certifier for information.
- E30. Prior to the issue of a Public Domain Works Letter of Completion Operational Acceptance for public domain works by Council, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the Council for all public domain works, including, where required, Stormwater, Public Domain Lighting and road construction are proposed (as applicable).
- E31. Prior to the issue an occupation certificate, the Applicant must demonstrate to the Certifier, compliance with condition E30.

### Deed of Agreement and Positive Covenant – Stormwater Works

- E32. Prior to the issue of the occupation certificate and as applicable, the Applicant must enter into a Deed of Agreement (Stormwater Deed) with Council and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system (where applicable).

*Note: The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.*

- E33. A Positive Covenant must be registered on the property title for all drainage systems involving OSD (where an OSD is proposed) to ensure maintenance of the approved OSD system regardless of the method of connection.

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*Note: The positive covenant will contain terms reasonably required by the Council at the cost of the applicant, in accordance with Council's fees and charges.*

*Note: This condition will be applicable if an OSD is proposed as part of the development.*

### Survey Infrastructure

- E34. Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to Council's Area Planning Manager / Coordinator for endorsement. A copy of the evidence and Council's endorsement must be submitted to the Certifier for information. This evidence must include:
- (a) certification that all requirements requested under the Surveyor- General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
  - (b) certification that all requirements requested under any Surveyor- General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre-Subdivision Certificate works" have been complied with; and
  - (c) time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

**PART F POST OCCUPATION****Temporary demountable classrooms**

- F1. All temporary demountable classrooms erected in association with the development must be removed within three months of the issue of an occupation certificate for Wilkinson House. Evidence of compliance with this condition must be provided to the Certifier and the Planning Secretary.

**Operation of Plant and Equipment**

- F2. 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**

- F3. 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**

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

**Heritage Interpretation Plan**

- F5. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition E21.

**Operational Noise Limits**

- F6. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the *SCEGGS Wilkinson House, Noise Impact Assessment, Acoustics Report* prepared by ADP Consulting Pty Ltd and dated 15 October 2021 (Revision 2).
- F7. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the *SCEGGS Wilkinson House, Noise Impact Assessment, Acoustics Report* prepared by ADP Consulting Pty Ltd and dated 15 October 2021 (Revision 2). Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

**Unobstructed Driveways and Parking Areas**

- F8. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.
- F9. Any new access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.
- F10. All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

**Green Travel Plan**

- F11. The Green Travel Plan required by condition E12 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### Ecologically Sustainable Development

- F12. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4-star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition C14, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### Outdoor Lighting

- F13. Notwithstanding condition D39, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### Landscaping

- F14. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved with the approved landscape plan(s) listed in condition A2(d) for the duration of occupation of the development.

### Flood Mitigation

- F15. No hazardous materials must be stored in areas below the 1% AEP flood level.
- F16. All critical services and associated infrastructure and equipment (including electrical equipment) must be set above the 1% AEP flood level.

### Waste Collection

- F17. This consent does not alter the existing waste collection arrangements within the site unless otherwise amended by the conditions of this development consent.

## **APPENDIX 1 ADVISORY NOTES**

### **General**

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

### **Long Service Levy**

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

### **Legal Notices**

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

### **Access for People with Disabilities**

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

### **Utilities and Services**

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

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

### **Road Occupancy Licence**

AN7. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### **SafeWork Requirements**

AN8. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### **Hoarding Requirements**

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

### **Handling of Asbestos**

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

### **Fire Safety Certificate**

AN11. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary 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 A25 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.