

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, 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.

Erica van den Honert  
**Executive Director**  
**Infrastructure Assessments**

Sydney

7 November 2023

***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.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD-46014456
<b>Applicant:</b>	Built Development Group Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	41 McLaren Street, North Sydney NSW Lot 1 DP 557103
<b>Development:</b>	<p>Concept development application for the adaptive reuse of an existing heritage building, including:</p> <ul style="list-style-type: none"><li>• A Concept Proposal involving adaptive reuse and redevelopment of a heritage listed building as a new school for up to 1560 students (K – 12); and</li><li>• Stage 1 works involving:<ul style="list-style-type: none"><li>○ alterations to the basement for drop-off/pick-up and car parking areas, services and school facilities;</li><li>○ alterations to and adaptive reuse of ground – level 2 to accommodate up to 498 students (K – 12);</li><li>○ alterations to the services on all floors and rooftop;</li><li>○ restoration of facades; and</li><li>○ landscaping, signage and stormwater works.</li></ul></li></ul>

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## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-46014456-Mod-1	14 June 2024	Team Leader, Social and Infrastructure Assessments	Minor internal and external alterations and additions to the school, including a replacement rooftop plant enclosure; amended louvre strategy and design; increased balustrade heights for the levels 6 and 7 rooftop terraces; minor reconfiguration of the layout of the basement and ground level to level; minor landscape design refinements; and design revision of stair 2 located on the western side of the existing building.
SSD-46014456-Mod-2	October 2024	Team Leader, Social and Infrastructure Assessments	Minor internal amendments and alternative flood protection measures at the vehicular and non-vehicular access points along the Harnett Street frontage within the Stage 1 works.

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## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Additional Information</b>	The Applicant's additional information titled <i>Response to Submissions Report for SSD-46014456</i> , prepared by Ethos Urban, 14 July 2023.
<b>Applicant</b>	Built Development Group Pty Ltd or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 and Schedule 3 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul>
<b>Council</b>	North Sydney Council
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	The development described in the EIS, Response to Submissions (RtS) and Supplementary RtS, including operation of the new school at 41 McLaren Street and associated works, 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>EIS</b>	Environmental Impact Statement for SSD 10260 211 Pacific Highway St Leonards, International Chinese School, prepared by Ethos Urban and dated 29 August 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>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>GTP</b>	Green Travel Plan

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<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 Division of the 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>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Appendix B of the Response to Submissions Report - <i>41 McLaren Street North Sydney</i> , prepared by Ethos Urban dated 14 July 2023
<b>Material harm</b>	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
<b>Minister</b>	Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OMP</b>	Operational Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>OTAMP</b>	Operational Traffic and Access Management Plan
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>PUDO</b>	Pick-up/drop-off
<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>RtS</b>	The Applicant's response to submissions titled <i>Response to Submissions Report for SSD-46014456</i> , prepared by Ethos Urban, dated 14 July 2023
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a

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	dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TfNSW</b>	Transport for New South Wales
<b>Upgrading</b>	<p>The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation, and the carrying out of the following maintenance works:</p> <ul style="list-style-type: none"><li>• public domain works</li><li>• stormwater infrastructure works</li></ul>
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

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## SCHEDULE 2

### CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

#### PART A ADMINISTRATIVE CONDITIONS

##### Determination of Future Applications

- A1. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future development application(s), other than the development of Stage 1 that is subject to the conditions in Schedule 3.
- A2. The determination of future development application(s) is to be generally consistent with the terms of development consent SSD-46014456 as described in Schedule 1 and subject to the conditions in Parts A and B, Schedule 2.

##### Terms of Consent

- A3. The development (other than the development of Stage 1 that is subject to the conditions of consent in Schedule 3) may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary; and
  - (c) generally in accordance with the Environmental Impact Statement (EIS), Response to Submissions (RtS), additional information, ~~and SSD-46014456-Mod-1;~~ **SSD-46014456-Mod-2; and**
  - (d) in accordance with the approved plans in the table below:

Landscape drawings prepared by <i>Taylor Brammer Landscape Architects Pty Ltd</i>			
Dwg No.	Rev	Name of Plan	Date
LAN101 <a href="#">LA103</a>	P1 <a href="#">C</a>	Level 3 Concept Landscape Plan	03/07/2023 <a href="#">15/05/2024</a>
LAN102 <a href="#">LA104</a>	P2 <a href="#">A</a>	Level 6 Concept Landscape Plan	11/07/2023 <a href="#">06/02/2024</a>
LAN200 <a href="#">LA200</a>	P2 <a href="#">A</a>	Site Section	11/07/2023 <a href="#">06/02/2024</a>

- A4. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in Schedule 2 condition A4(a).
- A5. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Schedule 2 condition A3. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 2 condition A3, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

##### Limits of Consent

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

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Stage 1 component identified in Schedule 1 of this development that is subject to the conditions of consent in Schedule 3.

- A8. No consent is granted for alterations to the width and depth of the existing stormwater easement traversing the site.

### Planning Secretary as Moderator

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

### Legal Notices

- A10. Any advice or notice to the consent authority must be served on the Planning Secretary.

### Student numbers

- A11. This development consent permits a maximum of 1560 students to be enrolled in the school.

### ADVISORY NOTES

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



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

### Built Form and Urban Design

- B1. All future development application(s) associated with the Concept proposal must be generally consistent with the figures in the Supplementary Design Report prepared by AJC Architects dated August 2023 and the Architectural drawings prepared by *AJC Architects* as follows (as relevant):
- (a) Organisational Diagram – Full Occupancy dated July 2023;
  - (b) Breakout & Outdoor Learning Area (~~Rev 2 – SSDA2801~~) dated 27 July 2023 ([Rev 11 – SSDA2801](#)) dated 29 February 2024; and
  - (c) Daylight Access (~~Rev 1 – SSDA12802~~) dated 22 June 2023 ([Rev 5 – SSDA2802](#)) dated 21 February 2024.
- B2. All future development application(s) associated with the Concept proposal must include (as relevant):
- (a) detailed plans, elevations and sections;
  - (b) artist's perspectives / photomontages;
  - (c) details of fit-outs, OOSH and roof-top details;
  - (d) Crime Prevention Through Environmental Design (CPTED) details; and
  - (e) a Design Statement demonstrating the design quality of the proposed development and having regard to the existing buildings on the site, character of surrounding development, and the design quality principles in Schedule 8 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
- B3. All future development application(s) associated with the Concept proposal must achieve an appropriate degree of accessibility in accordance with the Disability (Access to Premises – buildings) Standards 2010 and include an Access Report, prepared by a suitably qualified consultant, demonstrating compliance, as relevant.

### Amenity

- B4. All future development application(s) associated with the Concept proposal must include an assessment of amenity impacts including solar and daylight access and visual privacy (as relevant).

### Operational Noise and Vibration

- B5. All future development application(s) associated with the Concept proposal must be accompanied by a Noise and Vibration Impact Assessment Report (as relevant), prepared by a suitably qualified consultant, including (but not limited to):
- (a) a quantitative assessment of the main noise generating sources and activities during operation of the school in full capacity;
  - (b) a statement with evidence demonstrating compliance with the Stage 1 Operational Noise Management sub-plan (Schedule 3 condition E38);
  - (c) any updates to the Stage 1 Operational Noise Management Sub-plan that would be required to ensure that the recommendations of the Noise and Vibration Impact Assessment Report can be complied with;
  - (d) any management and mitigating measures necessary to ensure the amenity of future sensitive land uses on the site and neighbouring sites is protected during the operation of the development in full capacity; and
  - (e) an assessment of construction noise and vibration impact including the impacts of future construction noise on the ongoing operation of the school.

### Operational Waste

- B6. All future development application(s) associated with the Concept proposal must (as relevant):

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- (a) include an updated Operational Waste Management Plan (OWMP), prepared by a suitably qualified consultant, to address storage, collection, and management of waste and recycling associated with the entire site and that stage of the development.
- (b)

### Landscaping

- B7. All future development application(s) associated with the Concept proposal must include (as relevant):
- (a) detailed landscape plans generally consistent with Schedule 2 condition A3;
  - (a) location of the OOSH outdoor play space on level 3;
  - (b) details of the play structure between levels 2 – 3;
  - (c) location of replacement plantings and additional landscaping (as relevant); and
  - (d) the design and treatment of all existing and new ground and surface areas around the building, landscaping and trees, spaces and structures.

### Heritage

- B8. All future development application(s) associated with the Concept proposal for demolition and/or any repairs/maintenance works to the existing building must:
- (a) include a detailed Heritage Impact Statement (as relevant), prepared by a suitably qualified consultant, that considers the impact of the future stages of the development on the existing heritage listed building; and
  - (b) include any additional heritage interpretation strategy(ies), if relevant, in addition to the requirements of Schedule 3.

### Ecologically Sustainable Development

- B9. All future development application(s) associated with the Concept proposal (as relevant) must demonstrate how the principles of Ecologically Sustainable Development have been incorporated into the design, construction and on-going operation of the school.

### Traffic, Access and Car Parking

- B10. All future development application(s) associated with the Concept proposal (as relevant) must be accompanied by a Traffic Impact Assessment (TIA), prepared by a suitably qualified consultant, that assesses the traffic, transport and pedestrian impacts on the road and footpath networks and nearby intersection capacity. The TIA must:
- (a) be consistent with the assessment conducted under this development consent;
  - (b) include additional mitigation measures, as required, for the school to operate at its full capacity;
  - (c) be supported by a Green Travel Plan (GTP), which is GTP established by the Stage 1 (Schedule 3 condition E14) and include any updates, as necessary considering the student capacity;
  - (d) be supported by an Operational Traffic and Access Management Plan (OTAMP), prepared by a suitably qualified consultant and consistent with the requirements in Schedule 3 condition E15, with any additional mitigation /management measures that are required;
  - (e) confirm that up to six shuttle buses would be provided to transport students to/from off-site recreational facilities in the future; and
  - (f) include analysis of the need for school bus services and the probable location of bus zones.

### Construction Impact Assessment

- B11. All future development application(s) associated with the Concept proposal must include an updated Construction Pedestrian Traffic Management Plan (CTPMP), prepared by a suitably qualified consultant, detailing vehicle routes, number of trucks, hours of operation, access and

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pedestrian arrangements and traffic control measures, consistent with the CTPMP required for Stage 1 in Schedule 3 condition 0

- B12. All future development application(s) associated with the Concept proposal must include a Construction Environmental Management Plan (CEMP).

### **Flooding and Stormwater Assessment**

- B13. All future development application(s) associated with the Concept proposal (as relevant) must include a confirmation, by a suitably qualified person, that:

- (a) no changes are proposed to the stormwater management approved by Stage 1 (Schedule 3); and
- (b) the Flood Emergency Management Plan (FEMP) approved under Stage 1 (Schedule 3) would be applicable to the site or provide additional mitigation and management measures in the approved FEMP, considering an increase in students and uses.

### **Operational Management Plan**

- B14. All future development application(s) associated with the Concept proposal must include an updated Operational Management Plan (including all sub-plans) that is consistent with the requirements in Stage 1 (Schedule 3 condition E34).

### **Utilities**

- B15. All future development application(s) associated with the Concept proposal (as relevant) must address the existing capacity and any augmentation requirements of the development on the provision of utilities, including staging of infrastructure through the preparation of an Infrastructure Management Plan.

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## SCHEDULE 3

### CONDITIONS OF CONSENT FOR STAGE 1 WORKS

#### PART A ADMINISTRATIVE CONDITIONS

##### Obligation to Minimise Harm to the Environment

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

##### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, Response to Submissions (RtS), additional information and [SSD-46014456-Mod-1](#); and
  - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by AJC Architects			
Dwg No.	Rev	Name of Plan	Date
SSDA1101	9	Basement 4 – Demolition Plan	28/11/2022
SSDA1102	12	Basement 2&3 – Demolition Plan	28/11/2022
SSDA1103	9	Basement 1 – Demolition Plan	28/11/2022
SSDA1104	10	Ground Level – Demolition Plan	22/06/2023
SSDA1105	9	Level 1 – Demolition Plan	22/06/2023
SSDA1106	9	Level 2 – Demolition Plan	22/06/2023
SSDA1107	9	Level 3 – Demolition Plan	22/06/2023
SSDA1108	9	Level 4 – Demolition Plan	22/06/2023
SSDA1109	9	Level 5 – Demolition Plan	22/06/2023
SSDA1110	9	Level 6 – Demolition Plan	22/06/2023
SSDA1111	9	Level 7 – Demolition Plan	28/11/2022
SSDA1112	8	Roof Level – Demolition Plan	28/11/2022
SSDA1113	9	North Elevation – Demolition Plan	22/06/2023
SSDA1114	9	West Elevation – Demolition Plan	22/06/2023
SSDA1115	9	South Elevation – Demolition Plan	22/06/2023
SSDA1116	9	East Elevation – Demolition Plan	22/06/2023
SSDA1117	4	Section – Demolition Plan	28/11/2022
SSDA2101	9 <del>12</del>	Basement 4 Plan	28/11/2022 <a href="#">21/02/2024</a>
SSDA2102	<del>13</del> <del>16</del> <del>18</del>	Basement 2&3 Plan	<del>29/06/2023</del> <a href="#">21/02/2024</a> <a href="#">02/08/2024</a>
SSDA2103	9 <del>12</del> <del>13</del>	Basement 1 Plan	28/11/2022 <a href="#">21/02/2024</a> <a href="#">26/07/2024</a>
SSDA2104	<del>13</del> <a href="#">20</a>	Ground Floor Plan	<del>27/06/2023</del> <a href="#">14/05/2024</a>
SSDA2105	<del>12</del> <a href="#">17</a>	Level 1 Plan	<del>22/06/2023</del> <a href="#">08/05/2024</a>
SSDA2106	<del>12</del> <a href="#">15</a>	Level 2 Plan	<del>22/06/2023</del> <a href="#">21/02/2024</a>
SSDA2107	<del>14</del> <a href="#">14</a>	Level 3 Plan	<del>22/06/2023</del> <a href="#">21/02/2024</a>
SSDA2108	<del>12</del> <a href="#">16</a>	Level 4 Plan	<del>22/06/2023</del> <a href="#">16/05/2024</a>

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SSDA2109	42 <a href="#">16</a>	Level 5 Plan	22/06/2023 <a href="#">16/05/2024</a>
SSDA2110	42 <a href="#">16</a>	Level 6 Plan	22/06/2023 <a href="#">16/05/2024</a>
SSDA2111	44 <a href="#">14</a>	Level 7 Plan	28/11/2022 <a href="#">21/02/2024</a>
SSDA2112	44 <a href="#">14</a>	Roof Plan	28/11/2022 <a href="#">21/02/2024</a>
SSDA3101	42 <a href="#">18</a>	North Elevation	27/06/2023 <a href="#">16/05/2024</a>
SSDA3102	42 <a href="#">18</a>	West Elevation	27/06/2023 <a href="#">14/05/2024</a>
SSDA3103	42 <a href="#">17</a>	South Elevation	27/06/2023 <a href="#">16/05/2024</a>
SSDA3104	42 <a href="#">19</a>	East Elevation	27/06/2023 <a href="#">16/05/2024</a>
SSDA3201	40 <a href="#">13</a>	Sections Sheet 1	22/06/2023 <a href="#">21/02/2024</a>
SSDA3202	40 <a href="#">13</a>	Sections Sheet 2	22/06/2023 <a href="#">21/02/2024</a>
SSDA3203	40 <a href="#">14</a>	Sections Sheet 3	22/06/2023 <a href="#">21/02/2024</a>
SSDA3204	9 <a href="#">12</a>	Sections Sheet 4	28/11/2022 <a href="#">21/02/2024</a>
SSDA3205	9 <a href="#">13</a>	Sections Sheet 5	28/11/2022 <a href="#">21/02/2024</a>
SSDA3301	8	Materials	28/11/2022
SSDA4101	4 <a href="#">6</a>	Signage Details	22/06/2023 <a href="#">08/05/2024</a>
SSDA4104	1	Fence Details	22/06/2023
SSDA4104	3	Skylight Details	29/06/2023
<b>Landscape drawings prepared by Taylor Brammer Landscape Architects Pty Ltd</b>			
Dwg No.	Rev	Name of Plan	Date
LA101	P6 <a href="#">C</a>	Ground Level Landscape Plan	28/06/2023 <a href="#">15/05/2024</a>
LA102	P6 <a href="#">B</a>	Level 2 Landscape Plan	28/06/2023 <a href="#">02/04/2024</a>
LA105	P2 <a href="#">A</a>	Level 7 Landscape Plan	11/07/2023 <a href="#">06/02/2024</a>
LA200	P2 <a href="#">C</a>	Site Section	11/07/2023 <a href="#">15/05/2024</a>
LA201	P4 <a href="#">C</a>	Detail Sections	03/07/2023 <a href="#">15/05/2024</a>
LA300	P2 <a href="#">A</a>	Existing and Proposed Planting	11/07/2023 <a href="#">06/02/2024</a>

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in Schedule 3 condition A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Schedule 3 condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 3 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.
- A6. This development consent does not permit any alterations to the location of width / depth of the existing easement, which traverses the site.

## Student numbers

- A7. This development consent permits a maximum of 498 students to be enrolled and employed within the school on completion of Stage 1.

## Prescribed Conditions

- A8. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

## Planning Secretary as Moderator

- A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to Stage 1 of the development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

## Evidence of Consultation

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

## Staging

- A11. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation, as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A12. A Staging Report prepared in accordance with condition A11 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project;
  - (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
  - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A13. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A14. Where construction is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report including independent auditing requirements.



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

A15. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A16. Any updated strategy, plan or program prepared in accordance with Schedule 3 condition A15, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

A17. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A18. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

## External Walls and Cladding

A19. The external colours, materials and finishes of the building must be consistent with the approved plans referenced in Schedule 3 condition A2.

## Structural Adequacy

A20. The existing building and structures, including alterations that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

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

## Applicability of Guidelines

A21. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this consent.

A22. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## Monitoring and Environmental Audits

A23. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

**Note:** For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit”

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*is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

### Access to Information

- A24. At least 48 hours before the commencement of construction, until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in Schedule 3 condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations of each of the respective stages (where relevant).

### Post approval traffic monitoring

- A25. A suitably qualified independent traffic consultant must undertake two audits of the pick-up/drop-off (PUDO) zone, one within 6 months after the first day of opening and one at 12 months of the first day of opening of the school. The audits must:
- (a) include traffic counts at the PUDO zone during the AM and PM school peak periods; and
  - (b) demonstrate that the proposed PUDO zone:
    - (i) is adequate to cater for the school traffic;
    - (ii) does not result in queuing across Harnett Street and the adjoining intersections to the east and west of McLaren Street; and
    - (iii) does not impede the movement of passing vehicles or other emergency vehicles on McLaren Street, Harnett Street and the surrounding roads.
- A26. Should the traffic assessment (required by Schedule 3 condition A25) demonstrate that the use of the proposed PUDO zone results in queuing across the nearby intersections (Miller Street/McLaren Street, Walker Street/McLaren Street extending to Walker Street/Berry Street) or impedes movement of passing vehicles, the Applicant must, in consultation with Council:
- (a) prepare an updated Operational Traffic and Access Management Plan (required by Schedule 3 condition E15) by an independent traffic consultant, outlining the necessary operational management or physical mitigation measures in this area to ensure that the PUDO zone operates satisfactorily with no queuing outside the site;
  - (b) provide the Planning Secretary with an updated document (including endorsement from Council) for approval along with the evidence of consultation with Council; and
  - (c) obtain approval of the updated Operational Traffic and Access Management Plan from the Planning Secretary.
- A27. If required by Schedule 3 condition A26, the Applicant must:



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- (a) obtain all necessary approvals under section 138 of the *Roads Act 1993* from the relevant roads authority (including Council where needed); and
  - (b) implement any additional physical mitigation measure as identified in Schedule 3 condition A26 (if any), within six months of preparation of the PUDO audits (required by Schedule 3 condition A25) which identifies the need for additional mitigation.
- A28. The Applicant must submit to the Planning Secretary the results of the audits (and the necessary mitigations / management measures implemented, if relevant), within 6 months of undertaking the audits, to verify the success of the Green Travel Plan (GTP) required to be prepared under Schedule 3 condition E14.

### Compliance

- A29. 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

- A30. 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.
- A31. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

### Non-Compliance Notification

- A32. 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.
- A33. 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.
- A34. 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

- A35. Within three months of the:
- (a) submission of an incident report under Schedule 3 condition A30;
  - (b) submission of a Compliance Report under Schedule 3 condition A37;
  - (c) approval of any modification of the conditions of this consent; or
  - (d) issue of a direction of the Planning Secretary under condition A2(b) which requires a review;
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- A36. 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.*

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### Compliance Reporting

- A37. Within three months of the notified date of commencement of operation of Stage 1, a Compliance Report must be submitted and approval obtained from the Certifier confirming that the development has been carried out in accordance with the conditions of this consent.

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## PART B PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

### Certified Drawings and structural adequacy

- B1. Prior to the issue of any construction certificate, a suitably qualified hydraulic engineer must certify that the minimum basement and building entrance levels comply with the flood threshold level requirements provided in Table 5 of the *Flood Assessment Report* prepared by TTW Pty Ltd dated 28 September 2023.
- B2. Prior to the issue of any construction certificate, the Applicant must amend the approved plans and landscape plans listed in Schedule 3 condition A2 to:
- (a) be consistent with the Ground floor plan ~~SSDA2104 (Rev 16) prepared by AJC Architects numbered and dated 27 October 2023~~ SSDA2104 (Rev 20) prepared by AJC Architects numbered and dated 14 May 2024;
  - (b) ensure that all landscape plans reflect the proposed changes to the Ground Floor Plan layout in ~~SSDA2104 (Rev 14) prepared by AJC Architects numbered and dated 29 September 2023~~ SSDA2104 (Rev 20) prepared by AJC Architects numbered and dated 14 May 2024; and
  - (c) include all associated amendments to the elevations to reflect the changes to the ground floor plan (as relevant).
- B3. The construction certificate plans must:
- (a) demonstrate the structural adequacy of the existing building and its ability to withstand the proposed additional, or altered structural loads during Stage 1;
  - (b) include details of the proposed flood protection measures (including any impervious walls, threshold levels) at the ground level entries in accordance with Section 5 of the *Flood Assessment Report* prepared by TTW Pty Ltd dated 28 September 2023;
  - (c1) **include, to the Northern carpark exit off Harnett Street, an automatic system (such as self-actuated flood gates propelled by flotation), with a protection level which exceeds the maximum of:**
    - i) **the adjacent Probable Maximum Flood (PMF) level; and**
    - ii) **the adjacent 1% Annual Exceedance Probability (AEP) flood level with an additional 300mm allowance for freeboard.**
  - (c2) **include, to the pedestrian door adjacent to the Northern carpark entry off Harnett Street, and the fire egress door to the north of the Northern carpark entry off Harnett Street, a flood door device with a protection level which exceeds the maximum of:**
    - i) **the adjacent Probable Maximum Flood (PMF) level; and**
    - ii) **the adjacent 1% Annual Exceedance Probability (AEP) level with an additional allowance for freeboard.**
  - (c3) include passive flood protection measures (for all **other areas not specified in B3(c1) and B3(c2)** where flood water entry is possible), including any raised stairs, raised ramps, hobs, planter boxes and the like with a finished crest level which exceeds the maximum of:
    - (i) the adjacent Probable Maximum Flood (PMF) **flood** level; and
    - (ii) the adjacent 1% Annual Exceedance Probability (AEP) **flood** level with an additional 300mm allowance for freeboard.
  - (c) demonstrate that all passive structures are designed to withstand forces from fluid flow and any relevant debris loads, during the PMF;
  - (d) confirm the ability of the existing building (and proposed modifications) to withstand such forces and loads as identified in Schedule condition B3(c);
  - (e) confirm that the entire exterior of the building (including all minor potential surface water ingress points such as gaps in walls, ducts, vents, service access points etc.) would be protected or sealed to the higher of the adjacent PMF or 1% AEP + 300mm levels;

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- (f) demonstrate that any building entrances adjacent to overland flow path, comply with the flood threshold levels as certified by the hydraulic engineer in Schedule 3 condition B1;
- (g) demonstrate that the foundations for building structures and walls adjacent to the drainage easement are constructed in such a manner that does not affect Council's stormwater drainage lines running through the site;
- (h) include a certificate from a suitably qualified engineer confirming compliance with the above; and
- (i) be submitted to (along with the suitably qualified engineer's certificate) and be approved by the Certifier along with other construction certificate documentation.

### External Walls and Cladding

- B4. Prior to the issue of any relevant construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels (wherever applicable or relevant), comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Fire Safety and Building Code of Australia (BCA) Compliance Upgrades

- B5. Prior to the issue of any relevant construction certificate, the Applicant must submit plans, specifications and reports to the Certifier for approval. The submitted plans, specifications and reports must:
- (a) demonstrate that any alterations or additions to the existing building and structures, that are part of the development, are constructed in accordance with the relevant requirements of the BCA and the recommendations of the *BCA Assessment Report* prepared by Blackett Maguire and Goldsmith dated ~~29 June 2023~~ **26 February 2024** (as relevant);
  - (b) demonstrate compliance with the recommendations of the *Fire Safety Engineering Letter* prepared by E-Lab Consulting dated 22 June 2023;
  - (c) include details of passive and active fire system upgrades and general upgrades to achieve compliance with BCA in accordance with *BCA Assessment Report* prepared by Blackett Maguire and Goldsmith dated ~~29 June 2023~~ **26 February 2024**;
  - (d) include performance solution reports as stated in *BCA Assessment Report* prepared by Blackett Maguire and Goldsmith dated ~~29 June 2023~~ **26 February 2024** and *Fire Safety Engineering Letter* prepared by E-Lab Consulting dated 22 June 2023;
  - (e) include a structural engineering assessment of the existing load bearing capacity of the building deeming the existing structure as suitable for the proposed use in accordance with section B1 of the BCA and earthquake load provisions (as relevant);
  - (f) ensure that the report required by Schedule 3 condition B5(e) takes into account the age of the building and specifically determine whether the building is affected by any significant structural defects such as cracks, concrete cancer, water leaks/ ingress, steel corrosion or the like that may decrease load bearing capacity of building elements; and
  - (g) demonstrate compliance with fire safety guideline Access for fire brigade vehicles and firefighters by NSW Fire & Rescue (the most recent version).

*Notes:*

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

### Stormwater Management System

- B6. Prior to the issue of any relevant construction certificate that involves stormwater works, the Applicant must provide design plans, specifications and reports to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s) in consultation with Council and in accordance with the relevant guidelines;

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- (b) have a direct connection to a newly constructed grated gully pit (with lintel) on the Harnett Street frontage of the site in a controlled manner, via gravity;
  - (c) be generally consistent with the plans and details within the *Integrated Water Management Plan* prepared by TTW Pty Ltd dated 28 June 2023;
  - (d) include the correct details of the location of Council's drainage infrastructure traversing the site;
  - (e) include measures to protect Council's drainage infrastructure (unless approved to be altered by this consent);
  - (f) demonstrate that:
    - (i) alterations to the Council's drainage infrastructure within the existing drainage easement and associated civil and drainage works are in accordance with Council's most recent version of the publication '*Infrastructure Specifications for Road Works, Drainage and Miscellaneous Works*'; and
    - (ii) it complies with BCA drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines;
  - (g) be designed for an average recurrence interval (ARI) of 20 years and be gravity drained and connected to an existing Council piped drainage system;
  - (h) ensure that dedicated overland flow paths are maintained through the site;
  - (i) be in accordance with applicable Australian Standards; and
  - (j) 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.
- B7. Prior to the issue of any relevant construction certificate that involves stormwater works, the Applicant must:
- (a) prepare an evaluation of Council's stormwater drainage system and the effect of the proposed development on the system, by a specialist Hydraulic Engineer;
  - (b) provide the details of the evaluation to Council along with the stormwater management documentation required by Schedule 3 condition B6 and obtain Council's endorsement; and
  - (c) submit a copy to the Certifier.
- B8. The Applicant must:
- (a) submit engineering plans and specifications for stormwater works within Council's easement and /or Council's land to Council;
  - (b) include all details of public infrastructure works that are required to be completed as part of the development in the submission;
  - (c) obtain a separate approval from Council under *Roads Act 1993*, for any proposed civil and stormwater works within Council's stormwater easement within the site, and other public infrastructure works as relevant; and
  - (d) provide a copy of the approval to the Certifier prior to the issue of the relevant construction certificate that involves stormwater works, along with other plans and documentation in Schedule 3 condition B6.

### Operational Noise

- B9. Prior to the issue of any relevant construction certificate, the Applicant must submit evidence to the Certifier that:
- (a) a detailed assessment of mechanical plant and equipment in compliance with the relevant project noise trigger levels as recommended in the *Noise and Vibration Impact Assessment for 41 McLaren St, North Sydney* dated July 2023 and prepared by E-Lab Consulting has been undertaken by a suitably qualified person;
  - (b) the noise mitigation recommendations for the mechanical plant and equipment in the *Noise and Vibration Impact Assessment for 41 McLaren St, North Sydney* dated July

2023 and prepared by E-Lab Consulting as updated by the detailed assessment of the mechanical plant and equipment required by Schedule 3 condition B9(a) have been incorporated into the design to ensure the development will not exceed the predicted noise emission levels at receivers identified in the *Noise and Vibration Impact Assessment for 41 McLaren St, North Sydney* dated July 2023 and prepared by E-Lab Consulting;

- (c) a 4.4m high barrier around the colling towers has been incorporated in the construction certificate drawings, unless otherwise recommended by the detailed acoustic assessment in Schedule 3 condition B9(a); and
- (d) the recommendations regarding the acoustic treatment(s) of the floors, ceilings of the outdoor terraces as identified in Section 7.5 of the *Noise and Vibration Impact Assessment for 41 McLaren St, North Sydney* dated July 2023 and prepared by E-Lab Consulting are incorporated in the detailed drawings.

### Operational Waste Storage and Collection

B10. Prior to the issue of the relevant construction certificate, the Applicant must:

- (a) update the *Waste Management Plan* prepared by Wasteaudit dated November 2022 to incorporate the details of:
  - (i) waste collection areas and/or bin storage areas associated with the proposed use, including the number and types of waste bins needed for the facility on each floor, and at the central waste collection area, in accordance with Council's standards;
  - (ii) waste collection vehicle details and location of the waste collection area (within the site or on the kerb);
  - (iii) details of the paths along which the bins would be carted from the central waste storage area to the waste collection area;
  - (iv) waste collection method and frequency of collection; and
  - (v) waste collection times generally consistent with that provided in *Supplementary Transport Assessment* prepared by JMT Consulting dated 14 July 2023, to ensure that there is no conflict with the peak pick-up/drop-off times;
- (b) demonstrate that the design of the operational waste storage area(s):
  - (i) is constructed using solid non-combustible materials;
  - (ii) ensures the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
  - (iii) includes a hot and cold water supply with a hose through a centralised mixing valve;
  - (iv) is naturally ventilated or an air handling exhaust system is in place; and
  - (v) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins;
- (c) update the detailed design plans (approved in the plans listed in Schedule 3 condition A2) to incorporate the design of the operational waste storage areas required by Schedule 3 condition B10(b) in accordance with Council's standards; and
- (d) submit an updated Operational Waste Management Plan and design plans required by Schedule 3 condition B10(a) and Schedule 3 condition B10(b) to and obtain approval of the Certifier.

### Car Parking, PUDO and Service Vehicle Layout

B11. Prior to the issue of any relevant construction certificate for car parking, PUDO and service vehicle parking / loading / unloading areas, evidence must be submitted to and approval obtained from the Certifier demonstrating that the operational access and parking arrangements comply with the following requirements:

- (a) all vehicles can enter and leave the site in a forward direction;



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- (b) a minimum of the following car parking spaces is included for use during operation of the development, and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6:
  - (i) seven PUDO bays;
  - (ii) 10 staff car parking,
  - (iii) two accessible car parking; and
  - (iv) one visitor on-site car parking space;
- (c) the swept path of the longest vehicle entering and exiting the site in association with the proposed development, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2; and
- (d) the basement carparking aisle widths, driveways and manoeuvring areas comply with the latest versions of AS 2890.1, in areas where modifications to existing car parking spaces or aisles are proposed.

### Vehicular access and public domain works

- B12. Prior to the issue of any relevant construction certificate for permanent roadworks, footpath, public domain work, kerb, gutter and access, the Applicant must:
- (a) ensure that the design levels at the Harnett Street frontage are endorsed by Council;
  - (b) submit design plans for the vehicular access to Council in accordance with Council's most recent Vehicular Access Application guidelines and specification and demonstrating that:
    - (i) any redundant layback crossing on Harnett Street would be reinstated as upright kerb and gutter and granite pavers footpath;
    - (ii) the vehicular laybacks would be set square to the kerb;
    - (iii) all inspection openings, utility services would be adjusted to match the driveway levels and location; and
    - (iv) safety rails would be provided where there is a level difference more than 0.3m and a 1:4 batter cannot be achieved;
  - (c) provide longitudinal sections with the design plans of the vehicular access and associated roadworks including:
    - (i) sections along centreline and extremities of the crossing at a scale of 1:25, including all changes of grade and levels, both existing and proposed;
    - (ii) a section along the gutter line of Harnett Street at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels, including all changes of grade and levels, both existing and proposed;
    - (iii) a section along the footpath property boundary at a scale of 1:50 including all changes of grade and levels, both existing and proposed; and
    - (iv) sections showing calculated clearance to the underside of any overhead structure.
  - (d) ensure the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management;
  - (e) obtain approval from the relevant roads authority (Council or Transport for NSW where needed) under section 138 of the *Roads Act 1993* with regard to roadworks and access including vehicular crossings; and
  - (f) submit a copy of the design plans and relevant approvals to the Certifier for information.

#### Note

- Approval must be obtained for roadworks under section 138 of the *Roads Act 1993*.
- All costs associated with the proposed road upgrade works must be borne by the Applicant.
- In accordance with section 4.42 of the *Environmental Planning and Assessment Act 1979*, an approval under section of the *138 Roads Act 1993* cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent, and is substantially consistent with the consent.

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

- B13. Prior to the issue of any relevant construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to, and approval obtained from, the Certifier:

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- (a) the provision of a minimum 102 bicycle parking spaces outlined in plans listed in Schedule 3 condition A2;
- (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking; and
- (c) the provision of end-of-trip facilities for staff.

### Geotechnical report

B14. Prior to the issue of any relevant construction certificate, the Applicant must:

- (a) undertake geotechnical investigation of the site comprising diamond core drilling to at least 5m below the bulk excavation level at a minimum four locations across the proposed tower basement footprint in accordance with the recommendations of the *Report on Desktop Study* prepared by Douglas Partners dated December 2022;
- (b) obtain necessary certification from a suitably qualified Geotechnical Engineer certifying that the rock formations and substrate on the site is capable of withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- (c) provide details of protection and support of adjoining properties; and
- (d) provide all of the above information to and obtain approval from the Certifier.

### Heritage

B15. Prior to the issue of any relevant construction certificate, the Applicant must submit satisfactory evidence to the Certifier of the commissioning of an appropriately qualified and experienced Heritage Architect to:

- (a) assist the design, contract documentation and overseeing of construction works on the site for their duration via regular inspections of works in progress;
- (b) providing advice in relation to heritage matters throughout the construction; and
- (c) ensure that material salvaged from the proposed demolition works is reused either to repair sections of existing fabric in poor/damaged condition, and/or to incorporate original material into the design of the new interpretation initiatives where appropriate.

B16. Prior to the issue of any construction certificate, the appointed Heritage Architect must certify that the following amendments to the plans and/or landscaping would not result in any adverse impact on the heritage significance of the existing building:

- (a) amended plans / elevations Schedule condition B2; and
- (b) passive flood protection measures required by Schedule 3 condition 0.

### Fencing on McLaren Street

B17. Prior to the issue of any relevant construction certificate, the Applicant must provide to and obtain approval from the Certifier, details of the proposed fencing, including evidence that the appointed Heritage Architect (required by Schedule 3 condition B15) has certified that the proposed fencing does not adversely impact the heritage significance of the circular seating on the McLaren Street frontage.

### Development Contributions

B18. Prior to the issue of any relevant construction certificate, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.



## PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

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

### Certified Drawings

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

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

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

### Pre-Construction Survey – Adjoining Properties

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

### Community Communication Strategy

- C8. No later than two weeks before the commencement of any construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;

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- (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

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

### Ecologically Sustainable Development

- C10. Prior to the commencement of any relevant construction, the Applicant must provide details to the satisfaction of the Certifier, of design/construction related ESD measures implemented on the site (as applicable) as per the recommendations of the *SSDA Report* prepared by E-Lab Consulting dated 13 December 2022, including but not limited to recycling of building materials, energy efficient lighting and materials.

### Outdoor Lighting

- C11. 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

- C12. 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

- C13. Prior to the commencement of any construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge during construction;
    - (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (vi) community consultation and complaints handling as set out in the Community Communication Strategy required by Schedule 3 condition C8;

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- (vii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations generally consistent with the *Waste Management Plan* prepared by Wasteaudit dated November 2022;
  - (b) Construction Noise and Vibration Management Sub-Plan (see Schedule 3 condition C15);
  - (c) Construction Soil and Water Management Sub-Plan (see Schedule 3 condition C16);
  - (d) an unexpected finds protocol for contamination and associated communications procedure;
  - (e) construction flood emergency management procedures for the site; and
  - (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.
- C14. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C15. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) be generally consistent with the recommendations of the Construction Noise and Vibration Assessment provided within the *Noise and Vibration Impact Assessment – 41 McLaren Street North Sydney* prepared by E-Lab Consulting dated July 2023;
  - (c) describe procedures for achieving the noise management levels in Section 8 of the *Noise and Vibration Impact Assessment – 41 McLaren Street North Sydney* prepared by E-Lab Consulting dated July 2023;
  - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (e) include strategies that have been developed with the community for managing high noise generating works;
  - (f) describe the community consultation undertaken to develop the strategies in condition Schedule 3 condition C15(e);
  - (g) include a complaints management system that would be implemented for the duration of the construction; and
  - (h) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures required in Schedule 3 condition C12.
- C16. 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) ensure that no impact occurs on the drainage line and easement traversing the site;
  - (c) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (d) provide a plan of how all construction works will be managed in a wet-weather event (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, including, but not limited to, 20% and 1% AEP).

### Construction Traffic Management Plan

- C17. Prior to the commencement of any construction:
- (a) a Construction Traffic and Pedestrian Management Plan (CTPMP) must be prepared by a suitably qualified and experienced person(s), in consultation with Council and Transport

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- for NSW (TfNSW) to achieve the objective of ensuring safety and efficiency of the road network;
- (b) the CTPMP in Schedule 3 condition C17 must be submitted to TfNSW for endorsement;
  - (c) the endorsed version of the CTPMP must be submitted to Council and the Certifier for information; and
  - (d) a copy of the CTPMP must be submitted to the Planning Secretary for information, within 5 days of request of the document.
- C18. The CTPMP required by Schedule 3 condition C17 must be generally consistent with the preliminary *Construction Pedestrian Traffic Management Plan* prepared by ARUP dated 1 November 2022 and include (but not limited to):
- (a) a description of the development;
  - (b) location of any proposed work zone(s) and details of required permits / approvals from the relevant road's authority;
  - (c) details of crane arrangements including location of any crane(s);
  - (d) haulage routes, heavy vehicle routes, access and parking arrangements.
  - (e) construction vehicle access arrangements and proposed construction hours;
  - (f) details of the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (g) predicted number of construction vehicle movements and detail of vehicle types;
  - (h) methods to minimise vehicle movements during commuter peak periods;
  - (i) details of any potential impacts to general traffic, cyclists, pedestrians, metro and bus services near the site from construction vehicles during the construction period;
  - (j) cumulative construction traffic impacts due to projects on surrounding locality; and
  - (k) proposed mitigation measures to reduce impacts on the locality around the site.
- C19. Prior to the commencement of any construction, the Applicant must submit the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre within TfNSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time.
- Note: The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.*
- C20. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.
- C21. Prior to the commencement of any construction that involves the requirement of work zones on any of the streets fronting the site, the Applicant must obtain permits for the 'work zone' from the relevant roads' authority and install appropriate signage.

### Construction Worker Transportation Strategy

- C22. Prior to the commencement of any construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

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## Construction and Demolition Waste Management

C23. 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.

## Geotechnical

C24. Prior to the commencement of any construction, the Applicant must ensure that:

- (a) necessary equipment for monitoring of water levels in standpipes across the basement footprint are installed; and
- (b) measures to ensure appropriate subsoil drainage during and upon completion of construction works are incorporated.

## Site Contamination

C25. Prior to the commencement of any construction, the Applicant must engage a NSW EPA accredited Site Auditor to provide advice throughout the duration of works, to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

C26. Prior to the commencement of any construction that involves ground disturbance (including demolition of basement slab), the Applicant must:

- (a) undertake additional investigations of potential contamination risks, by a suitably qualified consultant, through sampling of the existing groundwater well and / or sub-slab soil vapour assessment in accordance with the *Report on Preliminary Site Investigation* prepared by Douglas Partners dated 24 November 2022;
- (b) include a certification from a suitably qualified consultant, confirming the results of the investigations in Schedule 3 condition C26(a)(a) and certifying whether any remediation of the soil is required;
- (c) provide additional details of remediation, prepared by a suitably qualified consultant, if remediation of site is required as a result of the additional investigations; and
- (d) provide details of the investigation results and remediation details (if any) to and obtain approval from the Certifier.

## Heritage Photographic Archival Recording

C27. Prior to the commencement of any construction (including demolition or investigation works), photographic archival recording must be undertaken of the areas of proposed works, including the external and internal areas of the heritage item on site identified in the *Heritage Impact Statement* prepared by Curio Projects and dated 12 December 2022, prepared in accordance with the NSW Heritage guidelines titled Photographic Recording of Heritage Items using Film or Digital Capture. A digital copy must be submitted to Council, any relevant local studies collection in the locality, and the Planning Secretary prior to the commencement of any construction.

## Flood Gates Design

**C28. Prior to the issue of the construction certificate, details of the design, construction and maintenance of the flood gates are to be submitted to the Certifier for approval and must include installation details, the calibration of the structure, ongoing maintenance requirements of the flood gates and the following:**

- (a) flood gates must be mechanically activated and installed in a manner that ensures activation is achieved in circumstances where electrical power to the site is not available;**
- (b) a suitable automated system must be installed to ensure that flood gates are activated upon commencement of carpark flooding;**
- (c) permanent brass plaques are to be mounted adjacent to all mechanical flood gates and flood proof doors explaining their purpose and operation; and**
- (d) suitable warning systems, signage and exits must be provided to ensure the safe egress of persons from the car park during activation of the flood gates.**



## PART D DURING CONSTRUCTION

### Site Notice

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

### Operation of Plant and Equipment

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

### Demolition

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

### Construction Hours

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. No heavy construction vehicle movements to and from the site onto McLaren Street or Harnett Street, should occur in the AM and PM commuter peak times, to minimise potential conflict with traffic in the locality.
- D6. Construction activities may be undertaken outside of the hours in Schedule 3 condition D4 and Schedule 3 condition D5:
- (a) if required by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) if required 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.
- D7. Notification of such construction activities as referenced in Schedule 3 condition D6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours, unless other methods of noise management are specified and approved in the CNVMSP required by Schedule 2 condition C15:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm, Monday to Friday; and

- (c) 9am to 12pm, Saturday.

## Implementation of Management Plans

- D9. The Applicant must carry out the construction of the development in accordance with the most recent version of the submitted CEMP (including Sub-Plans), the endorsed CTPMP, and construction workers parking strategy.

## Hoarding Requirements

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

## No Obstruction of Public Way

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

## Construction Noise Limits

- D12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented, and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMSP in Schedule 3 condition C15.
- D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under Schedule 3 condition D4 unless approved by Schedule 3 condition D6.
- D14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

## Vibration Criteria

- D15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the most recent version of *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006).
- D16. Vibratory compactors must not be used closer than 30m from residential buildings, unless vibration monitoring confirms compliance with the vibration criteria specified in Schedule 3 condition D15.
- D17. The limits in conditions Schedule 3 condition D15 and Schedule 3 condition D16 apply unless otherwise outlined in a CNVMSP, approved as part of the CEMP required by Schedule 3 condition C13.

## Tree Protection

- D18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent, or prior written approval from Council is obtained, or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all street trees immediately adjacent to the approved disturbance area / property boundary/ies must be protected at all times during construction in accordance with

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Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced to the satisfaction of Council;

- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment Report* prepared by Complete Arborcare dated 1 November 2022; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist, and must avoid direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is greater.

### Air Quality

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

D20. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### Erosion and Sediment Control

D21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP in Schedule 3 condition C16.

### Imported Fill

D22. The Applicant must:

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

### Disposal of Seepage and Stormwater

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

### Emergency Management

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

### Flood Management

D25. For the duration of construction works, the Applicant must implement, in accordance with the CEMP required by Schedule 3 condition C13:

- (a) flood warning and notification procedures for construction workers on site; and
- (b) evacuation and refuge protocols.



## Unexpected Finds Protocol – Aboriginal Heritage

- D26. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
  - (b) a suitably qualified archaeologist, and the registered Aboriginal representatives, must be contacted to determine the significance of the objects;
  - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS;
  - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologist(s), and Heritage NSW, to develop and implement management strategies for all objects/sites; and
  - (e) works may only recommence with the written approval of the Planning Secretary.

## Unexpected Finds Protocol – Historic Heritage

- D27. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
  - (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
  - (c) works may only recommence with the written approval of the Planning Secretary.

## Unexpected Finds Protocol – Burials

- D28. In the event that a burial or skeletal remains are uncovered during work:
- (a) all works must cease immediately in that area and the NSW Police and Heritage NSW contacted;
  - (b) a suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains;
  - (c) the Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains; and
  - (d) works may only recommence with the written approval of Heritage NSW.

## Waste Storage and Processing

- D29. All waste generated during construction must be secured and maintained within designated waste storage areas at all times, and must not leave the site onto neighbouring public or private properties.
- D30. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D31. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site, and are prevented from entering any natural or artificial watercourse.
- D32. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D33. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

## Outdoor Lighting

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

## Site Contamination

- D35. Where remediation is recommended in Schedule 3 condition C26(b) and Schedule 3 condition C26(c):
- (a) remediation of the site must be carried out and completed in accordance with the Remediation Action Plan; and
  - (b) any variations approved by the appointed Site Auditor.

## Heritage - sculpture

- D36. Within two months of commencement of construction; the Applicant must:
- (a) prepare the details of a new sculpture or public art (as relevant) in a suitable location on site, to replace the previous Clement Meadmore sculpture;
  - (b) obtain certification from the project heritage architect confirming that the proposed sculpture or public art (as relevant) design and location are suitable for the site and complements its heritage significance;
  - (c) consult with Council's Arts & Culture team regarding the suitability of the proposed sculpture or public art (as relevant); and
  - (d) provide information about the sculpture or public art (as relevant) design and location along with the endorsement to the Certifier and to the Planning Secretary upon request.

## Heritage Interpretation Plan

- D37. Within four months of commencement of construction, the Applicant must submit a final Heritage Interpretation Plan to acknowledge the heritage of the site. The plan must:
- (a) be prepared by a suitably qualified and experienced expert, in consultation with Council;
  - (b) include details of consultation with Council;
  - (c) be generally consistent with the *Heritage Interpretation Strategy* prepared by Curio Projects dated June 2023;
  - (d) include provision for naming elements within the development that acknowledges the site's heritage, such as the name of building at 41 McLaren Street;
  - (e) incorporate interpretive information in to the 'Simsmetal House' site;
  - (f) include details of the location of the sculpture or public art (as relevant) in Schedule 3 condition D36; and
  - (g) be submitted to and be approved by the Planning Secretary.

## PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

### Notification of Occupation

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

### Occupation of the site and commencement of operation

- E2. The site must not be occupied or be used for the purpose of the school unless the final occupation certificate is issued and PUDO works have been completed.

*Note: No staged occupation of the site is permitted by this development consent.*

### External Walls and Cladding

- E3. 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 (as relevant to this consent), comply with the requirements of the BCA.
- E4. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

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

- E5. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by Schedule 3 condition C4;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads);
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary when requested.

### Repair of Public Infrastructure

- E6. 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

- E7. Prior to the issue of the occupation certificate, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

### Post-Construction Survey – Adjoining Properties

- E8. Where a pre-construction survey has been undertaken in accordance with Schedule 3 condition C6, prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:

- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with Schedule 3 condition C7;
  - (b) be provided to the owner of the relevant buildings surveyed;
  - (c) be provided to the Certifier; and
  - (d) be provided to the Planning Secretary when requested.
- E9. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

### Utilities and Services

- 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*.

### Roadworks and Access

- E11. Prior to the issue of the occupation certificate, the Applicant must:
- (a) complete the construction of the vehicular access to the building, kerb, gutter, footpath and public domain works on the roads fronting the site (as relevant) in accordance with Schedule 3 condition B12;
  - (b) obtain all necessary approvals under section 138 of the *Roads Act 1993* from the relevant road's authority including completion of all required inspections; and
  - (c) provide the evidence of completion of the above and obtain approval from the Certifier.

### Works as Executed Plans

- E12. 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 and approval obtained.
- E13. The works-as-executed drawings must demonstrate (but not be limited to) that:
- (a) no alterations are proposed to the location (width and depth) of the existing drainage easement traversing the site; and
  - (b) the flood threshold levels comply with the structural drawings required by Schedule 3 condition B1.

### Green Travel Plan

- E14. Prior to the issue of the occupation certificate, a Green Travel Plan (GTP), must be submitted to and approved in writing by the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
  - (b) include maps with the school catchment area, cycling infrastructure, isochrone lines for walking and cycling distances, staff and student suburb/location data, current mode of transport use, and barriers and enablers to use active and public transport;
  - (c) include objectives and aspirational mode share targets for staff and students, generally consistent with the Stage 1 Transport Assessment in the *Traffic and Transport Impact Assessment* prepared by ARUP dated 14 December 2022;
  - (d) provide a direction and purpose of the GTP, and include specific tools to achieve the mode share targets;
  - (e) provide details and maps of end of trip facilities, including number and location of all secure bike parking, casual bike parking, showers and lockers;
  - (f) consider if additional end-of-trip facilities is needed in the future;

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- (g) consider more incentives for staff to use active and public transport such as:
  - (i) pre-loaded opal cards provision (or information sessions) during school orientation;
  - (ii) subsidised panniers or backpacks for staff committed to active travel;
  - (iii) time in staff meetings to share tips and support for staff wanting to start cycling; and
  - (iv) wayfinding at the school for end of trip facilities;
- (h) consider more incentives for students to use active and public transport such as:
  - (i) bike buses (similar to buses, but for cycling);
  - (ii) gamification for students using and promoting active and public transport;
  - (iii) activities for students to create and share transport photos/videos/stories/art/maps from their trips to school;
  - (iv) regular events, such as active transport breakfasts and trips after school with bike buses, walking buses, and real buses departing school with students, parents, and teachers to arrive at a local park or other place of interest;
  - (v) cycling and bike maintenance courses; and
  - (vi) promoting to parents the potential benefit of active travel to school as an opportunity to stay active themselves;
- (i) incorporate a role for a school sustainable travel champion that is or may be allocated to an existing staff member as an additional responsibility, who will focus on modelling the desired behaviours and positive communication around active and public transport;
- (j) include an enhanced Transport Access Guide (TAG) with:
  - (i) recommended cycling and walking routes to key destinations with indicative times, and from different directions within the school catchment area beyond the 500m radius; and
  - (ii) location and access for end of trip facilities;
- (k) explore different channels to communicate transport information and advice such as transport noticeboards at key location within the site in the form of a TAG or the School assembly;
- (l) include a comprehensive communication strategy which includes communications activities related to all the initiatives, the channels that will be used and who will be responsible;
- (m) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development; and
- (n) be submitted to and endorsement obtained from TfNSW.

Note: please contact TfNSW at [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au) with regard to lodgement of the documentation and obtaining endorsement.

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

E15. Prior to the issue of the occupation certificate, the Applicant must prepare an OTAMP. The OTAMP must be:

- (a) prepared by a suitably qualified person, in consultation with Council and TfNSW; and
- (b) submitted to and be approved by the Planning Secretary.

E16. The OTAMP, required by Schedule 3 condition E15, must address the following:

- (a) be generally consistent with preliminary measures outlined in *41 McLaren Street Operational Traffic and Access Management Plan* dated December 2022 as updated by the measures in Section 4 (Transport and Parking) in the *Draft Operational Management Plan* prepared by Inspired Education and dated 1 September 2023;
- (b) start and finish times for the year groups and cohorts, including all details of staggered start and finish times;

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- (c) detailed pedestrian analysis including the identification of safe route options, to identify the need for management measures such as staggered school start and finish times, to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
- (d) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency);
- (e) the location and operational management procedures of the PUDO parking located within the building, including staff management/traffic controller arrangements including, but not limited to, the following:
  - (i) management of the PUDO area by staff members including an allocated standby area, to minimise vehicle dwell time;
  - (ii) ability for parents to communicate PUDO operations with staff by phone or through signage, to expedite the operations;
  - (iii) management measures for drivers/parents whose students are not ready; and
  - (iv) management of vehicles to avoid situations where the PUDO area is occupied to capacity;
- (f) active and ongoing management measures to minimise illegal parking on Harnett Street / McLaren Street, double parking, queuing across nearby intersections, U-turns on Harnett Street, and illegal PUDO in the area in relation to the use of the school;
- (g) active and ongoing measures to discourage use of cars for student PUDO at the school;
- (h) the location and operational management procedures for the PUDO of students by buses and coaches for excursions and sporting activities during school hours, including staff management/traffic controller arrangements;
- (i) delivery and services vehicle and shuttle-bus access and management arrangements (confirming that two shuttle buses would be provided for Stage 1);
- (j) management measures for students, when accessing the off-site sporting venues including communication strategies with parents (to ensure pick-up from the sporting venues);
- (k) measures to promote use of sustainable transport measures (including the GTP for students and TAG for students identifying cycleways, walking routes and public transport options), in lieu of private vehicle usage;
- (l) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (m) a monitoring and review program.

### School Zones

- E17. Prior to the commencement of operation, all required School Zone signage, speed management signage, and associated pavement markings along McLaren Street and Harnett Street must be installed, inspected by TfNSW and handed over to TfNSW.

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

### Mechanical Ventilation

- E18. 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 comply with:

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

### Operational Noise

- E19. Prior to the issue of the occupation certificate, a suitably qualified acoustic consultant must undertake a review and must certify that:



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- (a) the noise mitigation recommendations in the *Noise and Vibration Impact Assessment – 41 McLaren Street North Sydney* prepared by E-Lab Consulting dated July 2023 (and all additional requirements in Schedule 3 condition B9) have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the project noise trigger levels in that report;
  - (b) all upgrades to the building have been undertaken (where needed);
  - (c) the 4.4m high acoustic barrier has been constructed, unless other measures are proposed in the updated acoustic assessment in Schedule 3 condition B9;
  - (d) the internal noise criteria for all learning areas within the building would meet the required 35dB(A); and
  - (e) all installed Public Address (PA) Systems and any loudspeakers comply with recommendations of *Noise and Vibration Impact Assessment – 41 McLaren Street North Sydney* prepared by E-Lab Consulting dated July 2023 (and all additional requirements in Schedule 3 condition B9) in terms of location and specifications.
- E20. Prior to the issue of the occupation certificate, the certification from the acoustic consultant required by Schedule 3 condition E19 must be submitted to the Planning Secretary for information, upon request.

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

- E21. Prior to the issue of the occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to and approval obtained from the Certifier that demonstrates that:
- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with Schedule 3 condition B12 and Schedule 3 condition B13;
  - (b) appropriate pedestrian and cyclist advisory signs are to be provided;
  - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads' authority;
  - (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
  - (e) end-of-trip facilities for staff are provided.

### Fire Safety Certification

- E22. Prior to the issue of the occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### Structural Inspection Certificate

- E23. Prior to the issue of the occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate, with an electronic set of final drawings (contact approval authority for specific electronic format), must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings;
  - (b) the structural drawings comply with the requirements of Schedule 3 condition B1 and Schedule 3 condition B3 and other upgrades required by Schedule 3 condition B5 (as relevant); and
  - (c) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### Flooding

- E24. A suitably qualified engineer must confirm that in addition to the major entry points for flood water ingress, the entire exterior of the building (including points of minor potential surface water

ingress points such as gaps in walls, ducts, vents, service access points etc.) is suitably protected or sealed to the higher of the adjacent PMF or 1% AEP + 300mm elevations. The certificate of confirmation must be submitted to the Certifier for information.

### Stormwater Quality Management Plan

- E25. Prior to the issue of the occupation certificate, a Stormwater Operation and Maintenance Plan (SOMP) must be submitted to the satisfaction of the Certifier along with evidence of compliance with the SOMP. The SOMP 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

- E26. 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

- E27. 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 Interpretation

- E28. Prior to the issue of the occupation certificate, the Applicant must demonstrate to the Planning Secretary that:
- (a) the design interpretation strategies in the Heritage Interpretation Plan in Schedule 3 condition D37 have been implemented;
  - (b) the fencing along McLaren Street is in accordance with Schedule 3 condition **Error! Reference source not found.**; and
  - (c) the sculpture or public art (as relevant) has been placed at a suitable location in accordance with Schedule 3 condition D36.

### Signage

- E29. Prior to the issue of the occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E30. Prior to the issue of the occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

### Use of off-site facilities

- E31. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the Certifier demonstrating that adequate agreements have been made with local Council and / or other private operators to access the off-site recreational and sporting venues on a weekly basis by the students and other users of the school (as relevant).



## Landscaping

- E32. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence, to the satisfaction of the Certifier, demonstrating that the landscaping of the site has been completed in accordance with landscape plan(s) approved under Schedule 3 condition A2.
- E33. Prior to the issue of any relevant occupation certificate, the Applicant must prepare and submit to the Certifier for approval, and Operational Landscape Management Plan, to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measure to manage revegetation and landscaping.

## Operational Management Plan

- E34. Prior to the issue of the first occupation certificate, an Operational Management Plan (OMP) for the development must be prepared by the Applicant and submit to the Planning Secretary for approval. The OMP (including the relevant sub-plans) must:
- (a) be generally consistent with the *draft Operational Management Plan* prepared by Inspired Education dated 1 September 2023;
  - (b) be updated from time to time;
  - (c) include details of students and staff numbers (to be 45 full time equivalent staff for Stage 1 and not exceed 123 full time equivalent staff upon completion of all stages of the Concept Proposal);
  - (d) include details confirming that the core school hours and out-of-hours school care (OOSH) would be as follows:
    - (i) school: 8.30am to 3.30pm (Monday to Friday); and
    - (ii) OOSH: 7am to 8.30am and 3.30pm to 6pm (Monday to Friday);
  - (e) include details confirming the staggered start and finish times of the school as identified in the *Supplementary Transport Assessment* prepared by JMT Consulting dated 14 July 2023;
  - (f) confirm the total number of students including the year groups;
  - (g) confirm the number of students enrolled in the (OOSH) care;
  - (h) include measures to ensure all way-finding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
  - (i) include details of waste collection times and other deliveries (canteen, maintenance etc) in accordance with the times provided in *Supplementary Transport Assessment* prepared by JMT Consulting dated 14 July 2023, to ensure that there is no conflict with the peak pick-up/drop-off times;
  - (j) detail the location of the permanent public announcement or school bell;
  - (k) detail the out of hours school use;
  - (l) confirm the extent of usage of the multi-purpose sports hall and the associated car park usage;
  - (m) confirm that the inter school sporting / other out-of-school-hours activities within the site would be restricted between 7am – 10pm;
  - (n) include:
    - (i) Internal Open Space Management sub-plan (Schedule 3 condition E36);
    - (ii) Local Open Space and Recreational Facilities Management sub-plan (Schedule 3 condition E37);
    - (iii) Operational Noise Management sub-plan (Schedule 3 condition E38);
    - (iv) Operational Flood Emergency Management sub-plan (Schedule 3 condition E39); and
    - (v) Operational Waste Management Plan sub-plan incorporating the Operational Waste Management Plan details required by Schedule 3 condition B10.

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- (o) include an Emergency Management Plan that details all measures and procedures to ensure the safety of all on-site occupants in the event of any emergency, including evacuation measures;
  - (p) an overarching complaint handling system that would be applicable to all of the sub-plans and can be displayed publicly on the school's website; and
  - (q) an overarching review and monitoring program for a yearly review and monitoring of the operations of each of the relevant uses (applying to all of the sub-plans) at their commencement.
- E35. The OMP (including the sub-plans) must:
- (a) be submitted to and be approved by the Planning Secretary, prior to the issue of the occupation certificate; and
  - (b) be published on the school website.
- E36. The Internal Open Space Management sub plan must include the following:
- (a) details to confirm the area allocation for the students within the building including:
    - (i) junior (K – Year 6): Ground level;
    - (ii) middle (Year 7 – 9): Level 1; and
    - (iii) senior (Year 10 – 12) Level 2;
  - (b) allocation of shared open space, breakout areas, multi-purpose sports hall and rooftop open space to students;
  - (c) use of the open space by the OOSH students; and
  - (d) a schedule of use of open space internally within the school on a typical school day by students of each year group.
- E37. The Local Open Space and Recreational Facilities Management sub-plan must include the following:
- (a) details of extracurricular activities that would be held off site;
  - (b) details of arrangements and agreements made with Council/s (or other land owners) (Schedule 3 condition E31) so that off-site “uncovered and open to air” open space can be utilised by the students to compensate for identified land of open spaces on the site;
  - (c) details of access to any off-site open space (or a venue) and recreational facilities during a typical school week and the schedule of such access and activities; and
  - (d) details of access to any off-site open spaces for organised sporting events.
- E38. The Operational Noise Management sub-plan must:
- (a) incorporate the noise management recommendations of *Noise and Vibration Impact Assessment – 41 McLaren Street North Sydney* prepared by E-Lab Consulting dated July 2023 including, but not limited to:
    - (i) restriction in the total number of students accessing the outdoor terraces and the undercroft play areas at any one time, to comply with the recommendations in section 7.4 of the report;
    - (ii) restriction of the total number of OOSH students using the outdoor terrace areas within the site at any one time;
    - (iii) restriction in the use of the rooftop area to 3:30pm;
    - (iv) management procedures to ensure that no unnecessarily noisy activities are conducted on the outdoor terraces;
    - (v) restriction in the use of the multi-purpose sports hall and the associated basement car park to be limited between 7am – 10pm;
    - (vi) noise management procedures outlined in the *draft Operational Management Plan* prepared by Inspired Education dated 1 September 2023; and
    - (vii) noise management to ensure that the open spaces and breakout areas within the building are managed on a typical school day, and the noise generated by these

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activities conducted by one particular year do not impact on the activities of the students of another Year or cohort.

E39. The Flood Emergency Management sub-plan must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be fit for purpose, written in plain English and not include information that is not useful for the implementation by school staff;
- (c) be concise and clear, containing clearly defined physical triggers or warnings that can be monitored by anyone in determining when different actions need to be taken;
- (d) not rely on any external warnings that are not available (or not yet available) for the site;
- (e) confirm that off-site evacuation of the school during flood events is not a flood emergency response strategy;
- (f) be consistent with the *Flood Emergency Response Plan* prepared by TTW dated 25 September 2023;
- (g) be prepared noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;
- (h) addresses the provisions of the *Flood Risk Management Manual / Floodplain Risk Management Guidelines* (EHG);
- (i) **be consistent with the details required by condition C28 in respect of the flood gate design;**
- (j) incorporate the following:
  - (i) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students and visitors;
  - (ii) the flash flooding conditions and the timing for inundation of flood waters on the site;
  - (iii) frequency of anticipated flood events that may impact the use of the site as a school;
  - (iv) the flood emergency management protocols for operational phase of the development including clear phasing - Preparation, Monitoring, Alert, Response and Recovery/Review;
  - (v) details strategies such as early or pre-emptive school closure, and other management requirements where relevant and where consistent with SES advice;
  - (vi) details to ensure that the school is closed before the beginning of the day in the first instance, when a severe weather warning is issued for North Sydney or adjacent local government areas;
  - (vii) clear emergency management triggers and responses;
  - (viii) details of the camera to monitor flow conditions and the in-person observation as a back-up in case of failing of the camera;
  - (ix) details of flood warning time and flood notification (as available);
  - (x) details of the internal evacuation (shelter-in-place procedure) from the basement / ground level to at least level 1 (first floor) of the existing building (as identified in the approved plans in Schedule 3 condition A2);
  - (xi) maps showing the internal evacuation routes for moving staff to the upper levels from the basement/ground floor, during flood events);
  - (xii) frequency of evacuation drills and subsequent reviews (including appending more technical information, as necessary);
  - (xiii) clear roles and responsibilities for emergency flood management within the school;
  - (xiv) mechanisms to regularly test the camera that would be used to observe the roadway flood conditions or alternate robust mechanisms of observations and visual triggers;
  - (xv) 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;
  - (xvi) provide clear messaging and communication protocols;

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- (xvii) clear requirements that the Plan be regularly reviewed; and
- (k) include details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members.

**E39a. Prior to issue of an occupation certificate, a Flood Management Plan is to be prepared for the flood gate system by a suitably qualified engineer, and a copy provided to Council and the Certifier. The Flood Management Plan must include::**

- a. the ongoing retention, maintenance and testing regime for the gates for the lifetime of the development;**
- b. details of the operation and function of the gates;**
- c. details signage and alarms including plans; and**
- d. details of evacuation procedures for the building including plans of evacuation routes.**

E40. The Flood Emergency Management sub-plan must be peer-reviewed by a suitably qualified engineer to certify that it complies with the requirements of Schedule 3 condition E38. A copy of the peer-review report must be submitted along with Flood Emergency Management sub-plan to the Planning Secretary.

### BCA Upgrades

E41. Prior to the issue of any relevant occupation certificate, the Applicant must:

- (a) include a Building Passive Audit Report prepared by an appropriately qualified passive fire specialist for all services that pass-through the building fabric (such as walls, floors, ceilings and shafts) and are required to have a Fire Resistance Level (FRL) or a resistance to the incipient spread of fire;
- (b) ensure that the Building Passive Audit Report required by Schedule 3 condition E41(a):
  - (i) documents each fenestration and opening plus the method of treating each fenestration and opening in accordance with BCA requirements, by means of a matrix; and
  - (ii) incorporates details of fire rated dampers within existing ventilation components of the building;
- (c) include a Fire Door and Smoke Door Audit Report prepared by an appropriately qualified fire door specialist where existing doors, cupboard doors and the like are proposed to be retained, to demonstrate that the retained doors and their frames (as relevant) can comply with the relevant requirements of BCA and AS 1905.1 – 2015;
- (d) submit the above reports to the Certifier and obtain approval.

### Geotechnical

E42. Prior to the issue of the occupation certificate, satisfactory evidence must be submitted to the Certifier that any recommendations provided in the additional geotechnical investigation undertaken under Schedule 3 condition B14 have been incorporated into the design of the development (if relevant)

### Site Contamination

E43. Prior to the issue of the occupation certificate, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan (if required by the Site Auditor). The Section A1 or A2 Site Audit Statement must verify the site is suitable for the intended land use and be provided, along with any Environmental Management Plan (if required by the Site Auditor) to the Certifier and to the Planning Secretary upon request.

### Accessibility Requirements

E44. Prior to the issue of the occupation certificate, a suitably qualified Access Consultant must certify that the existing buildings, pedestrian connections within the site, car parking spaces and the landscaped areas of the development area complies with the recommendations in the *Accessibility Design Review Report* prepared by McKenzie Group dated 14 December 2022.

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### Ecologically Sustainable Development

- E45. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the Certifier that the ESD measures required by Schedule 3 condition C10 have been implemented.

### Compliance with Food Code

- E46. Prior to the issue of an occupation certificate, the Applicant must obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises*, and provide evidence of receipt of the certificate to the Certifier.

### Registration of Instrument

- E47. **Prior to the issue of an occupation certificate or at another time as agreed with the Planning Secretary in writing, a suitably worded instrument pursuant to the Conveyancing Act 1919 must be prepared and registered in terms to the satisfaction of Council and copies provided to the Certifier and the Planning Secretary for information. The instrument must:**
- (a) **provide for an appropriate restriction on the use of the land, in favour of Council and burdening 41 McLaren Street, North Sydney for the ongoing retention, maintenance and operation of the flood gates (located at ground level on the eastern building elevation, facing Harnett Street);**
  - (b) **include the provision that the instrument can only be varied, modified or released by Council;**
  - (c) **include details that the instrument creating the restriction and/or covenant required by this condition being registered on the title of the of Lot 1 DP 557103.**

#### **Note:**

***Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the NSW Land Registry Services Office for registration.***

## PART F POST OCCUPATION

### Operating hours

- F1. The operating hours of the premises are restricted to the following, except where specified in the OMP (including the sub-plans):
- (a) school: 8.30am to 3.30pm (Monday to Friday); and
  - (b) OOSH: 7am to 8.30am and 3.30pm to 6pm (Monday to Friday).

### Out of Hours Event Management Plan

- F2. Prior to the commencement of the first out of hours events (school use) run by the school that involve 100 or more people, the Applicant must prepare an Out of Hours Event Management Plan (School Use) and submit it to Council for information.
- F3. The Out of Hours Event Management Plan (School Use) must be made publicly available on the school's website at least one week prior to the event, and include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times, and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the multi-purpose sports hall, where applicable, restricting use before 7am and after 10pm, as well as ensuring that attendees of events have left the school site before 10pm;
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan to ensure compliance with *Noise Policy for Industry* (2017) or any latest version.
- F4. The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.

### Operation of Plant and Equipment

- F5. 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

- F6. 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

- F7. 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

- F8. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under Schedule 3 condition D37.

### Operational Management Plan

- F9. The Applicant must implement the OMP (including all sub-plans) approved under Schedule 3 condition E34 for the life of the development.



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- F10. The OMP (including all sub-plans) must be reviewed every year after commencement of operation, and updated with additional mitigation and management measures to respond to complaints received. A copy of the reviewed and updated OMP must be submitted to the Planning Secretary and Council for the first three years of operation, for information.

### Implementation of Flood Management Plan

- F10a. The Flood Management Plan referenced in condition E39a must be implemented for the lifetime of the development.**

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

- F11. The OTAMP(s) approved under Schedule 3 condition E15 (as revised from time to time) must be implemented by the Applicant for the life of the development.
- F12. No additional car parking restrictions on McLaren Street or Harnett Street must occur due to PUDO in relation the use of the site as a school.

### Operational Noise Limits

- F13. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in *Noise and Vibration Impact Assessment for 41 McLaren St, North Sydney* prepared by E-Lab Consulting dated July 2023.
- F14. Short term operational noise monitoring must be:
- (a) carried out within 4 months of commencement of use of the proposed buildings and associated open spaces approved by this development consent;
  - (b) carried out during school term during operational hours on a typical school day(s); and
  - (c) undertaken by an appropriately qualified person in accordance with the Noise Policy for Industry (EPA, 2017) or any latest version where valid data is collected.
- F15. The resultant monitoring report, prepared by the appropriately qualified person, must be submitted to the Planning Secretary within 5 months of commencement of use of the school and the associated open spaces, to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the *Noise and Vibration Impact Assessment for 41 McLaren St, North Sydney* prepared by E-Lab Consulting dated July 2023.
- F16. Should the noise monitoring program required by Schedule 3 condition F14 identify any exceedance of the recommended noise levels referred to above, the Applicant must implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

### Unobstructed Driveways and Parking Areas

- F17. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### Green Travel Plan (GTP)

- F18. The GTP required by Schedule 3 condition E14 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.
- F19. Within 12 months of commencement of operation of the development (and the implementation of the GTP), and then for following 5 consecutive years (at 12 months interval starting from the first year), the Applicant must provide evidence to and obtain approval from the Planning Secretary, demonstrating that:
- (a) the GTP has been implemented and that the proposed yearly targets of mode share have been achieved; or
  - (b) alternative mode share targets have been agreed with the Planning Secretary and implemented; and
  - (c) reduction in the car usage to the school campus has been achieved.

# CONSOLIDATED CONSENT

## Outdoor Lighting

- F20. Notwithstanding Schedule 3 condition C11, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

## Signage

- F21. All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development.
- F22. The illumination of signage must be switched off between 6pm and 7am, unless otherwise agreed by the Planning Secretary.
- F23. The lighting to be used in connection with approved signage including the LED screen must comply with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting*.

## **APPENDIX 1 ADVISORY NOTES**

### **General**

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

### **Long Service Levy**

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

### **Legal Notices**

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

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

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

### **Utilities and Services**

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

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

### **Road Design and Traffic Facilities**

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

### **Road Occupancy Licence**

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

### **SafeWork Requirements**

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

### **Hoarding Requirements**

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

### **Handling of Asbestos**

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

### **Speed limit authorisation**

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

- (a) a copy of the conditions of consent;

- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
  - (i) accurate Site boundaries;
  - (ii) details of all road reserves, adjacent to the Site boundaries;
  - (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
  - (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
  - (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
  - (vi) all existing and proposed street furniture and street trees.

#### **Fire Safety Certificate**

AN13. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

#### **Sydney Water – Building Plan Approval**

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

## **APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A30 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.